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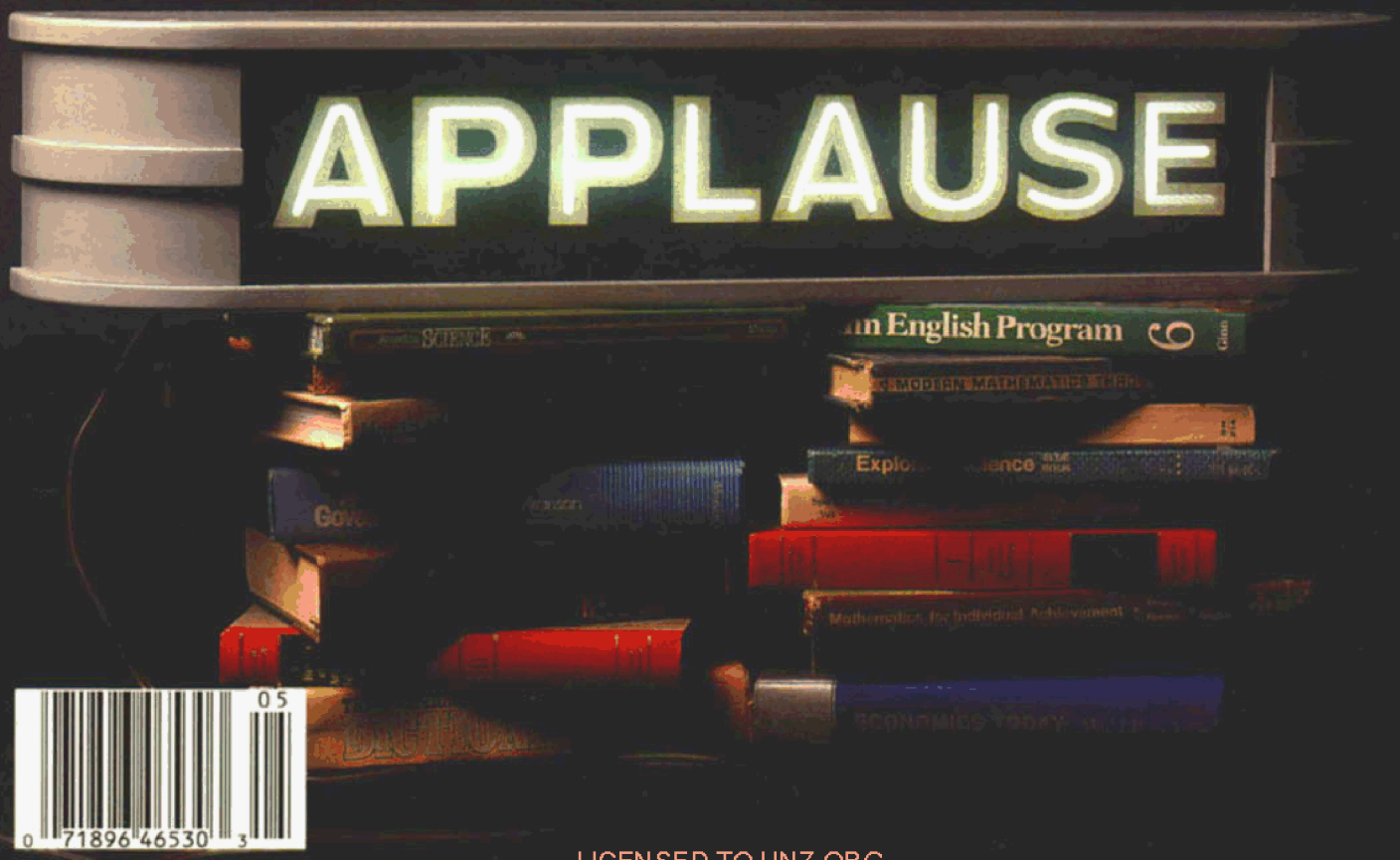

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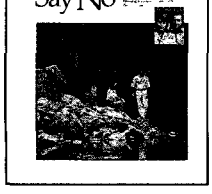

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Free Minds and Free Markets

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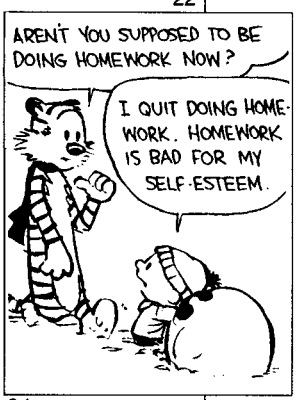

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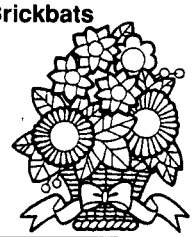

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POLITICS WITHOUT ANSWERS

VIRGINIA I. POSTREL

You could call it malaise. But the combination of boredom and cynicism with which voters have greeted this year's presidential race is a far cry from the stagflation-driven despair of the late 1970s.

And although some Democrats have bemoaned a choice between Elmers—Fudd (Tsongas) and Gantry (Clinton)—weak challengers don't entirely explain voter boredom. After all, the Democrats have been rigging their rules for years to produce a candidate like Bill Clinton—slick, Southern, and semicentrist. That he has vague positions and a questionable character just makes him all the more Kennedyesque. In a different era, his Rohrschach-test approach to the vision thing could have enthused millions by allowing them to see themselves in him.

But 1992 is not 1960. There is no missile gap, and the New Deal faith that made the Kennedy-Nixon debate seem like a tribute dinner for the Tennessee Valley Authority has gone the way of Sen. Tom Harkin's presidential hopes.

In fact, the presidential race's tepid reception stems from quite the opposite sentiment: Voters sense that the nation's biggest problems, the ones they worry about most, simply aren't terribly susceptible to presidential solutions. And that sense makes the particulars of candidates and platforms a lot less interesting and a lot less important.

Take the number-one problem in the minds of voters: the sluggish economy. Although we could certainly wish for lower taxes and a sounder long-term policy, there really isn't much any president can do about the current recession. It is, after all, a worldwide phenomenon. Britain's John Major, facing a re-election battle of his own, can attest to that.

So can those economic demigods, the Japanese. Japan has been in a two-year slump, its stock market is in free fall, and its banks are burdened with loads of bad real-estate loans. The Bank of Japan's index of business confidence recently posted its first negative reading since November 1987.

What's more, the Japanese economy's long-term prospects don't look too good: Saving is growing at the slowest rate ever, and a host of large companies are saddled with convertible debt they'd hoped bondholders would swap for stock. With the stock market down and interest rates up, only a fool would make that trade, meaning that Japan's leading companies will soon be tapping their cash reserves or refinancing at high interest rates.

Presidential politics may demand economic hubris, but in the real world the recession is bigger than the puny schemes of presidential candidates. In fact, it seems to be ending in the United States without benefit of new laws. No wonder voters who rank "economy/jobs" their primary concern spread their votes across all candidates.

This is not to say that public policy doesn't matter to the economy, only that it matters in the broadest sense: Institutions matter; gimmicks don't. A stable Federal Reserve has done wonders. A liability system based on responsibility rather than redistribution would strengthen the economy's resilience. So would a five-year moratorium on changes in the tax code. No matter how attractive, they exact a terrible cost in disrupted plans, lawyer and accountant fees, and—as Jerry Brown would be quick to remind us—political sleaze.

Progress results not from campaign promises but from the evolution of social institutions, including business enterprises, over time. The president can set a tone and can enact policies that allow progress. But he can't pull the country up by its bootstraps, even if he has a cooperative Congress.

Nowhere is the importance of institutions and the inadequacy of political solutions clearer than in the other area that comes up over and over in any discussion of the state of the union: the condition of education in this country.

By "education" I do not mean the schools but the products of those schools—a citizenry uninformed about the world, a work force unable to read and write well enough to take down phone messages, a cadre of young people who simply do not know what it is to live up to exacting standards, whether for waiting tables or writing press releases.

The most telling result of countless international comparisons is that American students post among the lowest test scores while believing they've done the best. Learning, as education critic Richard Mitchell has noted, requires disillusionment; we must first realize what we don't know. And American students are suffering from an excess of illusions.

Here, as in the economic realm, competition would help. That is the promise of school-choice plans—to force the Pintos of the educational world to compete with the Civics. But, as choice opponents are quick to note, making schools compete won't necessarily make kids do their homework.

That is hardly an argument against choice, which would at least offer better education to kids who do study. It is, however, an argument that not all educational problems are amenable to pub-

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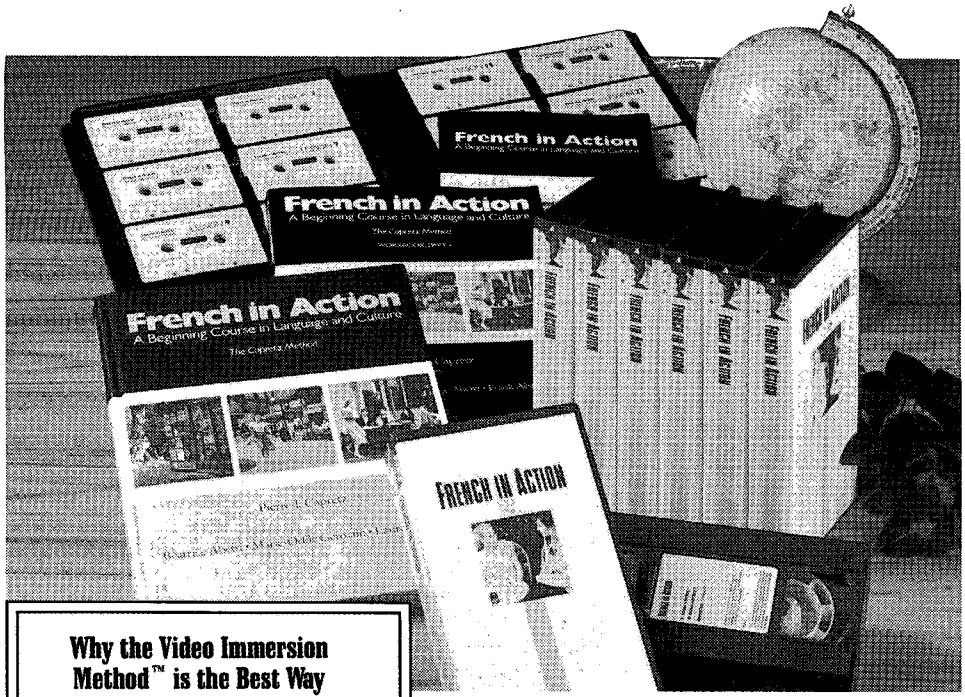

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lic-policy solutions. Poor education is also a matter of hearts and minds, of parents who complain that teachers push their kids too fast or grade too hard; of teachers who worry more about feelings than about knowledge; of students who pressure their peers not to study and ridicule those who do.

When my husband was a freshman at Princeton, his faculty adviser gave him this advice: "Don't take math. Have a love affair." When such attitudes have infected such institutions, our educational problems are way beyond the reach of politics.

Raising our expectations of ourselves, our children, our teachers, our employees, and even our politicians is critical to overcoming both our educational and our economic difficulties—far more critical than which of a dismal choice of candidates ultimately takes the White House. No amount of economic fine tuning can give long-term jobs to high-school graduates who can't read. But there are signs, largely from the business world, that standards are in fact going up.

One of the most interesting signs, however, is completely political—the flap over the House members' propensity for writing rubber checks. Accustomed to the indulgence accorded wayward children, House members were shocked to find the public cared how they mismanaged their money. But care the people do. The issue is largely symbolic, of political privilege, yes, but also of sloppy standards. When members of Congress are expected to balance their checkbooks, perhaps we will soon see teachers demanding homework and college professors recommending math.

'TOONS OUT

JACOB SULLUM

Superficially, Joe Camel and Chester Cheetah have little in common. One is a desert-dwelling herbivore best known for endurance, the other a savanna-dwelling carnivore famous for speed. One sells cigarettes, the other touts cheese-flavored snacks.

But during one week in March, both Joe and Chester felt the wrath of Big Mother, the conglomeration of activists and bureaucrats who look out for other people's kids. Surgeon General Antonia Novello, together with the American Medical Association, demanded that R. J. Reynolds fire Joe, the hip, cartoon version of the dromedary that has appeared on packages of Camel cigarettes for nearly 80 years. And seven advocacy groups, including Action for Children's Television and the Center for Science in the Public Interest, asked the Federal Communications Commission to prevent the television debut of *Yo! It's the Chester Cheetah Show!*

Big Mother wants to get rid of Joe and deprive Chester of his big break for a very simple reason: She doesn't like them. But she can't just say that; she has to show how her personal preferences correspond with the public interest. So Big Mother argues that Joe and Chester are a threat to the youth of America. This is hard to do.

It's a bit easier with Joe, since he advertises a hazardous product that children are not supposed to buy. Still, Big Mother can't point to solid research demonstrating that the Joe Camel campaign (or any cigarette advertising) increases smoking among children (or anyone). So she has to settle for research that shows the obvious: that kids are good at recognizing brand names and logos, especially cartoons.

In one frequently cited study published in the December 11 *Journal of the American Medical Association*, researchers asked a nonrandom sample of preschoolers, ages 3 to 6, to match 22 product logos with a dozen corresponding pictures of products. Overall, 51 percent of the kids correctly matched a picture of Joe to a picture of a cigarette. But adults and children alike recognize many brands without wanting to buy them. Fifty-four percent of the kids in the study were also familiar with the Chevrolet logo, but we don't see them tooling around in Camaros or Corvettes.

Yet Big Mother was able to use this and other studies in the same issue of *JAMA*, none of which even shows a correlation between the Camel campaign and the amount of cigarette consumption among minors, to paint Joe as a schoolyard drug pusher. "Smoking Among Children Is Found Linked to Cartoon Advertisements," *The New York Times* announced. The same story noted in passing that "there has not been an overall increase in smoking by children and teen-agers since the cartoon campaigns began."

The case against Chester is even weaker. His enemies simply assert that his show would amount to a "program-length commercial"—not because it would promote Cheetos but simply because of Chester's presence. The show's producers note that many cartoon characters, including the venerable Mickey Mouse, also push products. Chester's critics respond that going from entertainment to commercials is *different* from doing it the other way around. Because of his background as a snack-food advocate, Chester is permanently tainted.

And so the objections to Chester's show dissolve into sheer superstition. "Chester Cheetah," observes the *Times*, "has become the demon symbol for children's advocacy groups in the same way that Joe Camel...has become the epitome of evil for those opposed to smoking among the young."

Although their sensibilities may be different, the aims and tactics of the Joe and Chester bashers resemble those of antipornography crusaders. Both use the rationale of child protection to conceal an attempt to impose their own sense of aesthetics on others. Even their language is similar. "We think these are disgusting ads," a major anti-Joe activist told the *Los Angeles Times*. "These are the most indecent of the lot."

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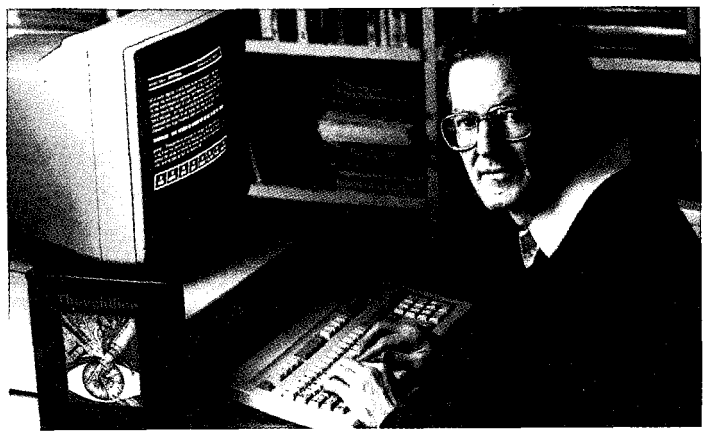

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PLAYING FAIR

CHARLES OLIVER

"All we want is a level playing field." That's the rallying cry of politicians as diverse as Dick Gephardt and Pat Buchanan. "Protectionism beggars consumers." That's the rejoinder of free-trade advocates such as George Bush. But recent disputes with Canada raise questions about whether men like Gephardt and Buchanan would really be happy with a level playing field and about whether the Bush administration can stand fast against protectionist pressure.

Just three years after the two countries signed a treaty that eliminated most trade barriers with each other, Canada is charging the United States with violating the spirit of the accord.

Under the U.S.-Canada agreement, Canadian cars can be shipped duty free to the United States if at least 50 percent of their parts are of North American origin. But in March, the U.S. Commerce Department ruled that 90,000 Honda Civics assembled in Alliston, Ontario, are the equivalent of overseas imports and are therefore ineligible for duty-free entry.

The Commerce Department declared that the Civics' engines are foreign, even though they are assembled in Ohio, because they contain some Japanese parts. But two years ago, when the European Community tried to limit U.S.-assembled Hondas under E.C. quotas for Japanese cars, the U.S. government was playing a different tune. Although the Hondas consisted largely of Japanese parts, the United States argued that the country of assembly should be considered the country of origin.

A few days after nixing the Canadian Civics, Commerce ruled that Canada subsidizes its softwood lumber industry. This decision allows the U.S. government to levy a 14.48-percent duty on most Canadian softwood. This action could cut the throat of Canada's timber industry, the country's largest employer.

Most Canadian timberland is owned by provincial governments, which charge logging companies a fee to cut timber. Commerce charges that these fees are too low, amounting to a subsidy. But the United States provides a similar subsidy for timber companies operating on federally owned land.

The ramifications of these decisions are hard to predict, but they will obviously hurt America's attempts to negotiate other open-market agreements, such as the proposed free-trade agreement with Mexico. America's behavior with Canada raises "serious questions as to what America's word is worth," said Gordon Ritchie, a member of the Canadian team that negotiated the U.S.-Canada pact.

And since the decisions were made by appointees of George Bush, a president nominally committed to free trade, they send other countries the message that open markets are not the great benefit that America claims.

Ask just about anyone in Congress or any presidential candidate and he'll tell you that completely closing our borders to imports would be bad for the economy and bad for consumers. Few would support that sort of isolationism.

But we may be getting it piecemeal. Whenever Lee Iacocca or textile king Roger Milliken squawks, someone in Washington jumps to protect him, no matter what it will cost consumers. On the campaign trail, Pat Buchanan has railed against foreign agents and lobbyists dominating the political process. But the lobbyists costing us the most money are homegrown, and they are not about to settle for a level playing field. Sadly, it seems that even the "free-traders" care more about a few high-profile businessmen than about millions of consumers.

The Deadly Anomaly

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The great majority of economists are oblivious to the link between inflation and government debt, and have not noticed this ominous divergence in the growth of these two key measures.

One observer, however, has watched it with alarm. Economist and author John A. Pugsley, who discovered the divergence, calls it, "The Deadly Anomaly."

Why "deadly?" Because it is dramatic evidence that the U.S. is in the middle of an economic bubble of historic proportions, and the collapse of that bubble will have lethal effects on the fortunes of most savers and investors.

A CLASSIC MANIA

The great investment bubbles of history—the Tulip-Bulb mania of 17th century Holland, the Mississippi bubble, the Roaring Twenties—all have one thing in common: *they were never seen as bubbles at the time.* Infected by the virus of soaring asset prices, the public became blind to fundamental principles of value. Amateur and professional investors alike fell victim to a euphoria that ultimately led to disaster.

It is happening again. Only this time the potential consequences are even greater.

While manias historically have occurred in relatively small asset markets (tulips, regional real estate, stocks, etc.), this time the bubble is in the biggest asset market in the world: *U.S. Treasury bonds.*

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The underlying problem is debt. More specifically, it is an avalanche of irredeemable government debt.

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The most fundamental economic laws say that as the quantity of anything increases, *the price should fall, not rise.* Yet, in the face of an unprecedented deluge of federal IOUs, *T-bond prices have soared.* It flies in the face of reason, logic, and economic law.

INVESTOR MYOPIA

Investors are oblivious. In their euphoria they see only the bait: these bonds are assets. They fail to recognize the trap: these "assets" are also liabilities. Liabilities *that can never be repaid.*

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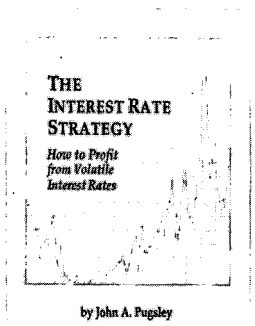
Because investors are oblivious of this approaching storm, *those who understand what is happening have a virtual license to steal over the next three years.*



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THE AUTHOR

John Pugsley is an internationally respected economist and financial author. His 1974 best-selling book, *Common Sense Economics*, accurately predicted the inflationary explosion that followed the demise of the Bretton-Woods agreement. Many readers made fortunes from his advice.

In 1980, when most economists were convinced that Reagan's tax reform would balance the federal budget by the end of his first term, Pugsley's book, *The Alpha Strategy* (8 weeks on the New York Times best-seller list), boldly warned that the U.S. would experience "the largest deficits in the history of the nation in the next five years," and showed small investors how to profit.

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Editorial, Advertising, and Production Offices
3415 S. Sepulveda Blvd., Suite 400
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Suite 200 South
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Founding Editors:
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LETTERS

Land's Sake

I can't agree with Jacob Sullum's assumption that economic reform and the easing of restrictions in the West Bank would encourage Arabs and Jews to reach a new understanding of each other ("Unsettling," Jan.). The Arab-Israeli conflict is not about economics; rather, it is a dispute over a piece of territory that one side sits on and the other side wants. The *intifada* broke out not because the Palestinians were economically frustrated but because they saw themselves as politically powerless.

It isn't possible, as Sullum seems to suggest it is, for Israelis and Palestinians to "think of sovereignty in liberal terms." The concept of individual and economic freedom is alien to both societies. Arab leaders consider anything less than a completely sovereign state an insult to their honor. Unlike a decade ago, today the majority of Israelis see the territories as part and parcel of their own country, in very "absolute" terms.

There are some problems that economic reform and a good dose of liberalism can't solve. The Palestinian-Israeli dispute is one of them.

Joel Bainerman
Beit Shemesh, Israel

JACOB SULLUM ADDS a rare and needed dose of lucidity to the Middle East debate by pointing out that collectivism seems to underlie key goals of the parties. Nonetheless, except for noting the denial of individual liberties by Israel to the West Bank Palestinians, Mr. Sullum fails to appreciate the extent of Israeli collectivist attitudes and unfairly misrepresents Palestinian positions regarding Israeli settlements in the occupied territories.

Mr. Sullum uses the Nazi German term *Judenrein* to describe Palestinian demands for Jewish settlement dismantling. This is a gross and all too common mischaracterization in both style and substance. There is no suggestion (even in the extreme language of the PLO Charter) that Jews may not live in the West Bank. The narrow issue is the redressing of the particular Israeli policy of negating Palestinian property rights in creating the settlements.

Palestinian grievances go back to the confiscation of much of the territory of pre-1967 Israel; absorbed Arab-refugee land and assets have never been compensated for or opened to repatriation. The key factor in Israel's denying repatriation/compensation has been the ethnoreligious identity of the refugees.

Both sides of the Middle East are obsessed with tribalistic rather than individualistic aims. Still, it is not fair to describe a demand for redress of improper property acquisition as a Nazi-like denial of Jews' right to exist and own property.

Matthew C. Hogan
Dallas, TX

JACOB SULLUM'S EDITORIAL was right on target. Having lived more than half of my 36 years in Israel, I concur that this is far from being a libertarian paradise. All Israeli governments have consistently carried out interventionist policies, and a large portion of the population is abjectly dependent on quasi-governmental institutions. But it must be borne in mind that Israel's neighbors do not even put up a semblance of liberal institutions. In most Arab countries, dissidence is crushed,

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with no recourse to legal niceties.

A preponderant number of Israelis, and of Jews around the world, feel a profound attachment to the disputed territories—this is the very heart of the biblical and traditional homeland of the Jewish people. They want to ensure that Jews will be able to dwell in and frequent these sites unhampered. This necessarily involves coexistence with Arab and other non-Jewish inhabitants. The Arabs, as Sullum points out, have very different aspirations: exclusive Arab rule in the territories, with the denial of access to Jews.

It should be noted that the rigors of military rule have been set down as a reaction to a popularly supported, violent insurrection on the part of the Arabs. Jews are considered legitimate targets by dint of being Jewish, be they schoolchildren or grandmothers. We are not dealing with criminal actions perpetrated by assorted outlaws, but with a very real security threat.

Experience has shown that when hostilities subside, military rule is curbed, and Arab residents of the territories are free to manage their internal affairs. It is to be hoped that the Arabs will realize that peaceful coexistence is a guarantee of their rights. I for one support changes in the Israeli political system that would enable any individual to pursue his interests in all parts of the country, to the benefit of all.

Marc Aaron Landes
Shelomi, Israel

Sexual Preference

Some day we might discuss the issues raised by Michael Weiss's article on feminist legal theory ("Crimes of the Head," Jan.). Unfortunately, this letter must be confined to addressing his screaming factual errors.

The concept of "female thinking," centered on "caring" and "connectedness," has no role in my work, except for my passing critique of it. I refer Mr. Weiss to the writings of Carol Gilligan, who created this analysis.

I have never questioned the notion of "rights," only their deprivation, and have been working to develop a new theory of equal protection, not to "discard...the idea."

I have never said "that almost all of what passes for consensual heterosexual sex is actually rape" or anything like it. I do say that sex takes place under conditions of gender inequality, which makes the concept "consent" problematic. Mr. Weiss's misconstruction is so common that I am beginning to think that—aside from sharing an apparent inability to read —a good many men must have a guilty conscience over this.

I emphatically disagree that "only a woman can be a victim of sexual harassment in the form of a hostile environment" and have never said anything that suggests such a conclusion.

The civil rights law against pornography created by Andrea Dworkin and me for the city of Minneapolis, under contract with the city attorney's office, would not have "banned any 'pornography' that degrades women." Our approach defines pornography as the graphic, sexually explicit subordination of women through pictures or words that also includes specific violent and objectifying contents. Nor are Andrea Dworkin and I now "working on a new law that explicitly defines pornography as a form of sexual harassment." Consequently, we do not "plan to offer the model ordinance to the city of Minneapolis and to any other interested municipalities." This is fabricated out of whole cloth.

The work of Andrea Dworkin does not assume or imply, anywhere, that "the only solution" to the inequality of women and men "is sexual segregation."

It must be possible to get our work right and still disagree with it.

Catharine A. MacKinnon
University of Michigan
Ann Arbor, MI

MICHAEL WEISS'S ATTACK on "feminist jurisprudes" misses the point. In law and sex, the pendulum swings widely both ways.

Western law is filled with evidence of male domination: "know all men by these presents," the "reasonable man test," and "all men are created equal," to name just a few examples.

Sex was and still is consensual rape in too many bedrooms in America and around the world. Women know it but only discuss it with their friends, only recently with their mothers, and pass on negative sexual attitudes to their daughters. They don't discuss sex with their sons. Males learn that women are here for them to "use" rather than as equal partners in bed and life. Women will stop feeling "used" in bed when they begin teaching rational sex education at home to their daughters, husbands, *and* sons.

Sex has only been widely discussed since the advent of television and the women's consciousness-raising movement. Many lives, male and female, have been enhanced by this trend. Sure, radical feminists showed us the way, but today's women still wear bras, and lesbianism is not running rampant.

Have no fear, Mr. Weiss. Rights, ethics, reason, proofs, and objectivity are not on their way out. The expression of pent-up female rage at male domination in law and bed will lead to the *integration* of male and female points of view in our lifetime. The cycle is easily broken by education.

Dagny Sharon
Tustin, CA

MICHAEL WEISS SEEMS to dismiss the ideas of feminist legalists because of their radical and often illogical thought processes. I would agree that feminist arguments are often invalid and almost always overstated. However, in their shrill cries there is a note of truth.

The Western system of laws traditionally has been patriarchal in protecting (or hindering) women in the areas of suffrage, married women's property rights, divorce laws, etc. The trade-off for women was a special place in society, where they were cherished, revered, and viewed by the male population as rightfully controlling morality because of their delicate and finer sensibilities.

In the 20th century, women have given up this special place in society to move into the mainstream of the work force.

They no longer have the special protection of their fathers, brothers, or husbands (who are now their competitors). Some women have turned to the state to redress their grievances.

It seems obvious that because of female biology and psychology, women should be afforded special treatment under the law, for if a society will not protect those who renew it and nurture it, what will society protect? At the same time, men and women should receive equal justice under the law. This is the conundrum of our age.

Deborah Wiggins
Lubbock, TX

FEMINIST LAW AND ITS underlying premises involve a conception of femininity which (disturbingly enough) caves in to patriarchal assumptions. MacKinnon rejects reason, logic, the notion of natural law, and the concept of justice as "male" patterns of thinking. Women are "caring, relational....they reject the separation of personal from political."

In other words, men fix cars, while women fix dinner. I take it her arguments are coming from male-chauvinist literature? If this new "feminist psychology" doesn't relegate women to the kitchen, I don't know what does.

Diane Joy Baker
Cincinnati, OH

IN ORDER TO EXPLAIN why women supposedly think differently than men, the feminist jurisprudes claim that women have "another reality" than men. This "alternative reality" theory is nothing more than a twist on the century-old Kantian subjectivism. In this regard, feminist legal theory is not just a further erosion of the legitimate meaning of "rights"; it is an extremely dangerous philosophical weapon to unleash on the men and women of this country.

Kant, the father of modern collectivism, revised Plato's idea that the consciousness of each man creates his own reality, and said the "consciousness of mankind" creates reality. Latter philosophers carried this a step further and proclaimed that mankind was made up of competing groups, each defined by its own distinctive type of consciousness, each vying with the others to capture and control reality. This led to racial subjectivism, the basis for the Nazi belief in Aryan superiority.

There seem to be many similarities between the philosophy of the feminist jurisprudes and that of the Nazis. The Nazis held that each race had its own reality and that it was useless for men of "different kind" to turn to logic to resolve their disagreements, because there is not only a different reality for each race but also a different logic.

Like the feminist jurisprudes, the Nazis disdained reason, and worshiped feeling and instinct. Likewise, the "new paradigm" female values of responsibility and caring could be just another way of presenting the values of self-sacrifice and duty as espoused by the Nazis.

James Wm. Clement
Ithaca, NY

WHEN FEMINIST LEGAL SCHOLAR Andrea Dworkin declares that sexual intercourse is inherently oppressive of women, similar to a military occupation, and that it is even more degrading if the woman *likes* it, it is clear that her quarrel is with biology and personal happiness, not injustice.

Just as the religious right's crusade against abortion has nothing to do with the right to life, so the feminist crusade against sexual harassment has little to do with rape or with men's oppression of women. Both groups seek to make sexuality and sexual fulfillment a crime. They seek to create a system of laws that negate a person's right to and responsibility for their own happiness and self-esteem.

Gary Schnitzer
Dallas, TX

AS THE CLARENCE THOMAS affair was unfolding it was clear to me that we were witnessing the first big story that gave the new emotive journalism free rein. But it wasn't until I read Michael Weiss's piece that I knew whence the cult of subjectivity sprang. If "objective reality is a myth," no wonder "men just don't get it."

Although I wish it were otherwise, I see little reason for optimism on this front. In search of readers and viewers unwilling or unable to think, the mainstream media are baiting their hook with feelings instead of facts. The Gannett Co.'s *News 2000* guidebook advises editors to look for stories which "evoke emotion" at the expense of "dull" stuff like the proceedings of local government hearings. From here it is but a short hop to a public discourse in which up is down, black is white, and facts go out the window.

Jeff A. Taylor
Washington, DC

"WOMEN'S SEXUALITY largely defines women as women in this society....men's sexuality does not define men as men in this society...." So says the U.S. Court of Appeals for the Third Circuit.

Such illogic, such doubletalk is worthy of Lewis Carroll. Truly, we are living in Wonderland. I suppose, in the eyes of the judiciary and in the view of feminism, men's sexuality defines men as horse's asses in this society.

Millard H. Perstein
Sedona, AZ

Mr. Weiss replies: Ms. Sharon's letter embodies the legal and logical implications of feminist theory. There is no such thing as "consensual rape"; this is an oxymoron. *Webster's Ninth New Collegiate Dictionary* defines *rape* as "sexual intercourse with a woman by a man without her consent." I am not exactly sure what "rational sex education" means, but I hope it is not taught by the "consensual rape" crowd.

I thank Professor MacKinnon for pointing out the difference between her and Carol Gilligan. She is correct in noting that she has attacked the "ethic of care." But Professor MacKinnon does state that logic, science, etc., are male and that women have a notion of "connectedness" that makes them different from men. In fact, feminist legal scholar Christine A. Littleton has called Professor MacKinnon's notion of a separate rationality and distinct set of values for women "the most important contribution she has made to feminism."

Professor MacKinnon does indeed call rights a sham. Her self-proclaimed "post-Marxist" methodology starts from that assumption. In a 1983 article in *Signs*, for example, she writes that "[a]bstract rights will authorize the male experience of the world." Other feminists, including Martha Nussbaum and Women Against Censorship, have criticized Professor MacKinnon for attacking traditional civil liberties.

Professor MacKinnon denies saying "anything like" my gloss of her view that "almost all of what passes for consensual heterosexual sex is actually rape." Judge for yourself. On page 174 of *Toward a Feminist Theory of the State*, she writes: "...where the legal system has seen the intercourse in rape, victims see the rape in intercourse. The uncoerced context for sexual expression becomes as elusive as the physical acts come to feel indistinguishable. Instead of asking what is the violation of rape, their experience suggests that the more relevant question is, what is the nonviolation of intercourse? To know what is wrong with rape, know what is rape about sex." On page 198 she writes: "What in the liberal view looks like love and romance looks a lot like hatred and torture to the feminist."

I apologize if I incorrectly reported that Professor MacKinnon and Andrea Dworkin were working on a revised version of the Minneapolis ordinance. I inferred this from an October 1991 speech at Yale in which Professor MacKinnon advocated using sexual-harassment law to combat pornography and an interview with Gannett News Service the same month in which she called for renewing the campaign against pornography.

In a February interview with *The New York Times*, Professor MacKinnon praised national legislation modeled in part on the Minneapolis ordinance, "recognizing that both the making of pornography and its use do harm to women."

In *Intercourse* and *Pornography: Men Possessing Women*, Andrea Dworkin makes it clear that men and women can never live as equals in one society. She makes this argument more recently in her semi-autobiographical novel *Mercy*, of which Wendy Steiner wrote in *The New York Times Book Review*, "[the protagonist] Andrea's experience is meant to stand as that of all women and to constitute an unassailable argument against the attempt to coexist peacefully with men."

Reagan's Role

Martin Morse Wooster ("The Red Tide Ebbs," Jan.) says I wrote in *The American Spectator* that "the defense buildup of the Reagan Administration...was the primary reason that communism collapsed...."

I don't believe it, and I didn't say so in the article he cites. In the paragraph he refers to, I berated one of Reagan's critics for ignoring the role of "the great democratic revolution of the recent past" in bringing about the fall of the Soviet empire.

The central theme of my article was that there is a tremendous effort underway to pretend that the end of communism and the collapse of the Soviet empire had nothing to do with Reagan's policies. Apparently Mr. Wooster is joining the chorus. While I am the last to deprive the Soviets themselves of their fair share of the credit for wrecking their world, I do insist that Reagan, with his revival of the democratic spirit, his support for democratic movements around the world, his campaign to deprive the Soviets of advanced technology and, yes, his strengthening of Western defenses, is entitled to a good deal of the credit.

Michael A. Ledeen
Washington, DC

Mr. Wooster replies: Future generations will determine the causes of the fall of the Soviet Union more accurately than we can. But surely even Mr. Ledeen will admit that falling oil prices (an event for which the Reagan administration does deserve some credit), by depriving the Soviets of billions of dollars of hard currency, helped check the KGB's ability to steal secrets and cause trouble. By ignoring the economic causes of the Soviet Union's demise, Mr. Ledeen provides as incomplete an analysis of the event as the "zealots of disinformation" he criticizes.

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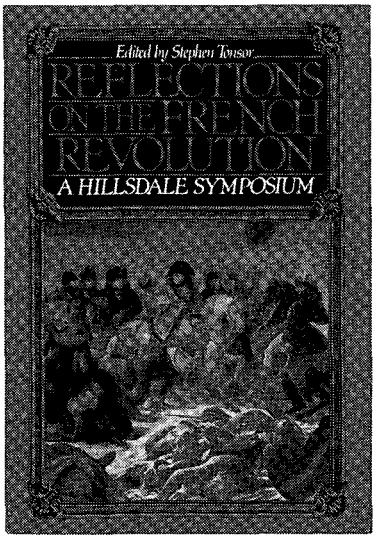

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ISAAC(S)
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YOCUM
YORK(E)
YOUNG
YOUNGER
YOUNGLOVE
YOUNGMAN
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Your Name _____

Street and No. _____

City, State, Zip _____

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Family Names of manuscripts desired _____

_____

VISA ☐ DISCOVER CARD ☐
AMEX ☐ MASTERCARD ☐ # _____

EXP. DATE _____ Signature _____

Roots Research subscribes to the Direct Marketing Assn. Guidelines for Ethical Practices

Notching a Victory

When all the votes were tallied, he got the support of only 2,300 New Hampshire residents—fewer than half the number who wrote in Mario Cuomo's name. But from just after midnight until 7 a.m. on February 18, more voters had cast their ballots for Libertarian Andre Marrou than for any other presidential candidate nationwide.

Marrou "won" the election in tiny Dixville Notch, the town that lets its 31 registered voters cast their ballots just after midnight on primary morning. (The other polls don't open until 7 a.m.) The former Alaska legislator collected 11 votes there, more than President Bush's nine or pundit Pat Buchanan's three. Marrou also outpolled Democrats Bill Clinton (three votes) and Paul Tsongas (two).

Press outlets in media-saturated New Hampshire picked up the story immediately. Morning newscasts reported the Dixville Notch totals. A February 19 *Washington Post* headline read, "Libertarian Candidate Won First N.H. Votes." C-Span invited Marrou to appear on a 30-minute viewer call-in program that same day. For an ideological party that values selling its principles more than electing its candidates, Marrou's victory was a welcome surprise.

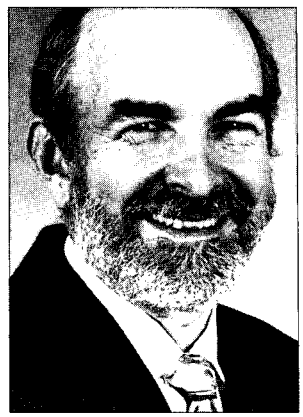
The Marrou campaign cites two reasons for its "win": several appearances in Dixville Notch by Marrou and his running mate, Washington, D.C., physician Nancy Lord; and a 10-minute audio tape prepared by popular Boston radio host (and frequent Dixville Notch visitor) Gene Burns pitching the L.P.'s limited-government message to the locals.

While Democrats and Republicans quibble over dollar-a-day tax cuts, Marrou wants to eliminate the personal income tax altogether. He says the federal government gets around 36 percent of its revenue from people filing 1040 forms. "When [was] the last time the federal [budget] was 36 percent smaller than it is now," he responded to a C-Span caller on the 19th. "1949? Or 1962? No. It was 1987." He argues the feds can operate with the same revenue they had five years ago. (Of course, those 1987 budgets did include hefty deficit financing, meaning that spending outran revenue.)

The Marrou campaign will have trouble translating the brief attention it received in media-focused New Hampshire into primary votes elsewhere. State laws prevent the L.P. from competing in 44 of the 51 primaries. And such "legitimate" insurgents as Buchanan, Tsongas, and former California Gov. Jerry Brown may dilute the impact Marrou might have had were he running against "insiders" by himself.

Marrou doesn't contemplate victory in November; if he gets 1 million votes, he'll break the L.P. record Ed Clark set in 1980. Still, the party may look back with some satisfaction that, for seven hours in February, its candidate for president led the pack.

—Rick Henderson

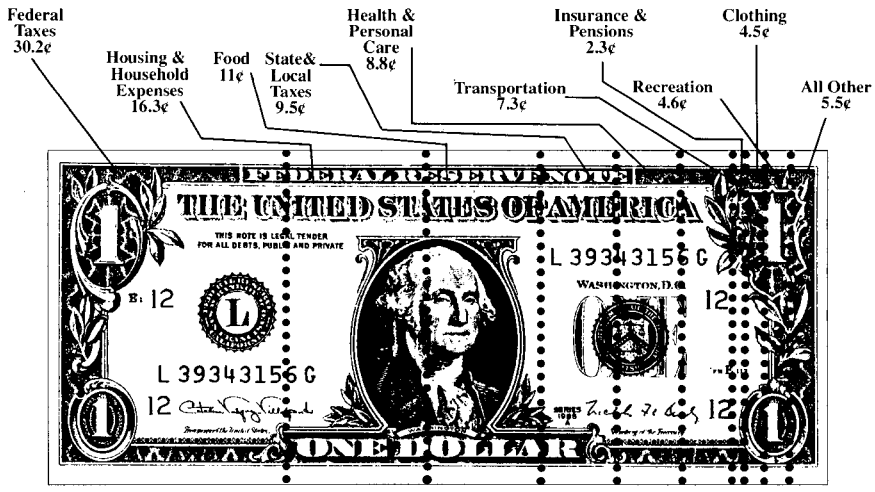


For seven hours in February, Libertarian presidential candidate Andre Marrou was the top vote getter.

Empty Pockets

State, federal, and local taxes will absorb almost 40 percent of the typical American family's budget this year. This far exceeds the next-largest item, housing and household expenses, which will take up only 16 percent of an average family's budget.

How the Typical American Family Will Spend a Dollar in 1992



Source: The Tax Foundation

Floor Plan

A group of ocean scientists believes that the deep ocean floor—where, in many areas, geyser-like vents spew boiling toxic liquids that nourish bizarre varieties of worms and mussels—could provide a safe haven for garbage, sewage, and other refuse. The most optimistic advocates of this proposal believe that deep-ocean isolation of solid waste could inexpensively accommodate the entire planet's trash.

Half the earth's surface is located in deep ocean, more than 2.6 miles below the water's surface. Researchers at the Massachusetts Institute of Technology and at the Woods Hole Oceanographic Institute have discovered that most of the deep-ocean floor is lifeless, motionless, and geologically stable; the crushing pressures at those depths virtually prevent the currents there from "mixing" with the waters above. It takes more than 1,000 years for deep-ocean waters to reach the surface.

Much of the ocean floor is composed of sea ooze, a sediment that has the consistency of peanut butter. The scientists believe that refuse placed in sea ooze would stay there forever.

But the ocean floor isn't uniformly peaceful. Oceanographers have found tens of thousands of vents there that spew streams of naturally occurring toxic fluids by the ton. These toxics include heavy metals, petroleum derivatives, and hydrocarbons, and they leave the vents at temperatures that reach 650 degrees Fahrenheit. MIT's John Edmond has written that "the immediate vicinity of the vent fields is as contaminated as Boston Harbor!"

Surprisingly, the area surrounding these vents is choked with animal life. Nearby shellfish and huge worms eat the toxics. Deep-ocean creatures are chemosynthetic (not photosynthetic); they can break down toxic substances and ingest them as easily as we would a milk shake. These animals might consider our most poisonous garbage gourmet food. Edmond concludes that "deep ocean isolation sites are the safest and least destructive places to dispose of...waste anywhere on the planet."

While nonprofit Woods Hole can't urge any specific changes in policy, several scientists there have asked Congress to consider a test project that would place containers of solid waste in the sea ooze and monitor its movement, if any. Before Congress could authorize such research, it would have to amend the Ocean Dumping Act of 1988, which forbids any offshore waste disposal.

Environmentalists refuse to consider such a proposal. The Environmental Defense Fund's Sarah Clark offers a typical response: "The ocean should not be the garbage can for dumping human wastes."

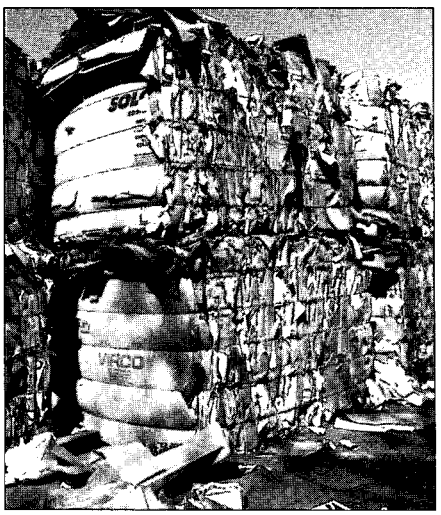
But in Woods Hole's publication *Oceanus*, Senior Scientist Charles D. Hollister writes, "We have an obligation to reconsider the ocean's possible role in waste management." Recycling and conservation, Hollister contends, won't contain our waste-disposal problems.

Rep. Billy Tauzin (D-La.), a member of the House Merchant Marine committee, hopes congressional hearings will air these arguments this year. Louisiana has accepted solid waste from outside its borders and is interested in other ways to handle refuse.

A spokesman for Tauzin says the congressman "isn't for [deep-ocean isolation] or against it. He doesn't want to close out any new information that could help take care of the [waste-disposal] problem."

Northeastern residents may find the deep-ocean option attractive. Scientists estimate they can isolate waste on the ocean floor for no more than $120 a ton. New Jerseyites pay $400 a ton to haul their garbage to Texas landfills.

—Rick Henderson



Deep-ocean isolation may be the safest way to dispose of trash.

Party On

In January, the Supreme Court, for the first time, ruled that Americans have the right to "create and develop new political parties." This could pave the wave to easier ballot access for third parties and their candidates.

In *Norman v. Reed*, the Court affirmed that the Harold Washington Party properly belonged on the Cook County, Illinois, ballot. The particular issues in the case have little application outside Illinois.

What does have wider significance, however, is the theory expounded by the opinion's author, Justice David Souter. Without dissent, the Court stated that citizens have a right to create new political parties and that if a state limits ballot access it must demonstrate "a corresponding interest sufficiently weighty to justify the limitation." And any severe restriction must be narrowly drawn and "advance a state interest of compelling importance."

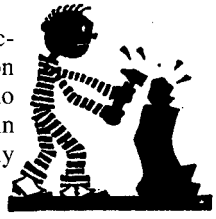
Richard Winger, editor of *Ballot Access News*, notes, "The 'create and develop' phrase suggests that there may be constitutional protection against all election laws which seriously impede the ability of a new party to survive and grow." Among the types of laws that Winger thinks are endangered: laws that force a party to submit separate petitions for each statewide candidate; laws that force a party to petition anew each year, even if it received a sizable number of votes in a recent election; and laws that prevent a party from having its label appear on the ballot.

—Charles Oliver

BALANCE SHEET

Assets

Chemical Reaction. The Environmental Protection Agency repeals a 1989 ban on EDBCs, chemicals that cheaply kill fungi on crops. Early studies suggested EDBC residues might cause cancer, but new research reveals that most residues disappear before crops get to market. EPA chief William Reilly says, "Good science drove this policy." Is Alar next?



Reform School. During the 1980s, New York state's prison capacity doubled. Even so, the state has 10 percent more prisoners than prison beds. Nearly half the inmates broke drug laws. Gov. Mario Cuomo wants to take nonviolent drug offenders out of jail and put them in treatment programs. Says Cuomo: "I...built more prisons than any governor in [state] history, and it disgusts me."

Competitive Advantage. Protectionism loses big in New Hampshire. Pat Buchanan briefly ignores tariffs and calls for tax cuts and deregulation. Antiprotectionist Democrats Tsongas, Clinton, and Brown get 70 percent of the vote; Japan bashers Kerrey and Harkin barely tip the scales. Among potential draftees, Gephardt's star plummets, free-trader Bentsen's ascends.

Dr. Butts? Biotechnology's latest miracle: Make the tobacco plant a medicine factory. California's Biosource Genetics Company, reports *Discover*, uses tobacco to spawn genetically engineered medical proteins—key components of AIDS and hemophilia drugs. Why tobacco? Its fast-growing, protein-rich leaves contain little starch or sugar. Biosource plans to pay farmers competitive prices to grow its lifesaving variety of the killer weed.

Liabilities

The Spending Thing. George Bush's 1993 budget totals $1.52 trillion—31 percent bigger than Ronald Reagan's final tally. So let's blame runaway spending entirely on congressional Democrats. NOT!!

Boris Blunders? Economic reforms lag in Russia. Fault Boris Yeltsin's befuddling privatization plans. State-run enterprises go private only after they jump through Gosplan-like bureaucratic hoops. Better, *The Economist* says, to simplify: Divvy up state firms and give away tradeable shares to every citizen—fast.

Drug Crimes. Marijuana suppresses the nausea caused by chemotherapy and AIDS drugs. Last June, the federal government approved medicinal marijuana for 30 seriously ill patients. But the Public Health Service hasn't let them get the pot yet. Deputy drug czar Ingrid Kolb calls the delay "unconscionable." A spokesman for the PHS tells the *Los Angeles Times* there's no "true proof" marijuana is useful. Besides, the spokesman says, only 12 of the 30 are still alive.

Flame Slower. Congress says chlorofluorocarbons and other ozone-depleting chemicals must vanish by 1996. One victim of the ban: airline safety. Halon, the amazing fire extinguisher, will disappear with other CFCs. It's the cleanest and least toxic way to put out electrical fires in such confined areas as commercial airliners, where three accidental blazes (but only 11 deaths) occurred in 1989. Save the ozone layer; let frequent fliers die.

—Rick Henderson

Cornering CAFE

Since 1975, the federal government has required that automakers boost the gasoline mileage of their fleets to meet Corporate Average Fuel Economy (CAFE) standards. But some free-market advocates claim the government has ignored the trade-off between higher gas mileage and safety, causing what they call "death by regulation." A federal appeals court recently agreed.

Smaller cars generally get better gas mileage but are usually less safe in accidents. A 1988 study by Robert Crandall of the Brookings Institution and John Graham of Harvard estimated that a 27.5-mpg standard would increase traffic deaths by 14 percent to 27 percent per model-year fleet—2,200 to 3,900 extra highway fatalities a year. Beginning with model year 1985 cars, the CAFE standard was 27.5 miles per gallon.

The National Highway Traffic Safety Administration (NHTSA) can legally adjust any CAFE standard it finds "unfeasible." For MY 1986-88, NHTSA lowered the standard to 26 mpg. But by MY 1990, the agency had restored the 27.5-mpg standard.

Last July, the Competitive Enterprise Institute and Consumer Alert sued NHTSA, arguing that it hadn't addressed the trade-off between downsizing and safety. On February 19, a panel of the U.S. Court of Appeals for the District of Columbia Circuit agreed. The court noted that NHTSA could have argued that safety isn't important or that reduced oil consumption is worth the cost in lives. Instead, Judge Stephen Williams wrote, NHTSA "fudged the analysis, held the standard at 27.5, and, with the help of statistical legerdemain, [concluded] that its decision had no safety cost at all."

Buoyed by the ruling, Rep. Bob McEwen (R-Ohio), who unsuccessfully introduced a bill last session to repeal CAFE standards altogether, plans to try again. CEI Chief Counsel Sam Kazman, who argued the case, says, "I couldn't have written a better decision myself."

—Rick Henderson

THE Public Interest

EDITORIAL OFFICES: 1112 16th Street, N.W., Suite 530
Washington, D.C. 20036

EDITORS: IRVING KRISTOL • NATHAN GLAZER

MEMORANDUM

To: **Irving Kristol** and **Nathan Glazer**
From: Staff
Re: Ideas for upcoming **PUBLIC INTEREST** ad campaign

Here are some possible advertising themes. The only problem will be deciding what to focus on—we really have an embarrassment of riches to work with.

Press mentions

We continue to receive a tremendous amount of press coverage. In just the past year or so, articles from **THE PUBLIC INTEREST** have been repeatedly cited or excerpted in the ***Washington Post***, the ***New York Times***, and the ***Wall Street Journal***. In fact, the provocative piece we ran last spring on the WIC food program was featured in all three papers within a one-week period.

Add to this the attention we've received in such diverse venues as the ***New Republic***, ***New York*** magazine, ***Science*** magazine, the Capitol Hill newspaper ***Roll Call***, and major metropolitan newspapers around the country, and our impact on America's public-policy debate should be obvious to potential readers.

Contributors

Probably our strongest suit. An ad should stress that we publish informative, readable articles by leading thinkers on the key issues of the day.

A very partial list of some notable contributors to **THE PUBLIC INTEREST** might include: **Fred Barnes, Daniel Bell, Walter Berns, Gordon Crovitz, Terry Eastland, James Fallows, Martin Feldstein, Chester Finn, Jr., Suzanne Garment, Donald Kagan, Charles Krauthammer, Nicholas Lemann, Seymour Martin Lipset, Lawrence Mead, Daniel Patrick Moynihan, Charles Murray, Richard John Neuhaus, Norman Ornstein, Isabel Sawhill, Thomas Sowell, Herbert Stein, Andrew Sullivan, George Will, and James Q. Wilson.** (Not to mention both of you, of course.)

Readers and testimonials

Our ad should probably point out that **THE PUBLIC INTEREST** is required reading in political science departments and public-policy schools around the country. Then again, we don't want to give the false impression that our readers are all academics. We could explain that top policymakers, journalists, and plain old concerned citizens turn to **THE PUBLIC INTEREST** when they want clear-headed analysis of issues like health care, education, housing, and inner-city crime.

It might be worth underlining our reputation for shattering conventional wisdom. Maybe we could use that quote from ***INC.*** magazine saying **THE PUBLIC INTEREST** "has published the most levelheaded and myth-piercing articles to be found anywhere on subjects ranging from welfare reform to government inefficiency."

Ahead of the curve

Finally, we should explain that reading **THE PUBLIC INTEREST** is the ideal way to keep abreast both of enduring social-policy debates and of what the new issues will be.

Any ideas on what to use? It seems a shame to waste any of this material. Too bad we can't put it all in one ad!

BRICKBATS

The Portland *Oregonian* has stopped using the names of sports teams that might offend ethnic groups. Editors won't discuss the new policy, but it doesn't seem to apply to all groups equally. The only names specifically banned are "Braves," "Redskins," "Indians," and "Redmen." (The paper now refers to "the Atlanta baseball team," for example, not to "the Atlanta Braves.") Meanwhile, the Vikings will still be sullying the reputations of Scandinavians in Minnesota, the Fighting Irish will still be perpetuating the image of the angry mick in South Bend, and the Los Angeles Dodgers will still be an affront to Democratic presidential candidates.

Meanwhile, the Oregon legislature is considering a bill that would require people living in houses designated as historical monuments to open their homes, free of charge, to the public.

In California, U.S. Civil Rights Commissioner William Allen is running for the Republican nomination for the U.S. Senate. Allen is both a conservative and a Christian, but apparently neither conservative enough nor Christian enough to suit God. It seems a group called the Christian Political Leaders in California wrote a letter to Allen warning that his candidacy indirectly aids "the forces of darkness" and that he would be disciplined by God "however he sees fit." Some of the group's members have ties to one of Allen's opponents, Rep. William Dannemeyer.

A group of motorcyclists has filed suit challenging California's new mandatory-helmet law. A Sikh contends that the law forces him to violate his faith by removing his turban; a hard-of-hearing man says the law is biased against the handicapped because helmets generate head-pounding feedback from his hearing aids. But Assemblyman Richard Floyd (D-Gardena), the concerned legislator who authored the law, dismisses the suit. Regarding the Sikh, Floyd said, "Quite frankly, my dear, I don't give a damn. He can wrap his turban around his helmet." As for the hard-of-hearing man, Floyd said, "As far as I'm concerned, that SOB can walk."

In Greenfield, California (it's been a silly month for the state), city planners now require builders to put two bicycles in every new home. The city wants to reduce smog by encouraging people to bike. Greenfield has one stoplight, 8,000 residents, and a city council with too much time on its hands.

And all over the state of California, members of the California Teachers Association are trying to sabotage efforts to put a school-voucher initiative on the November ballot. David J. Harner, head of the group sponsoring the initiative, says that CTA members are threatening people who sign the initiative petition and physically blocking people from signing petitions. In one case, he says, CTA members actually formed a human chain around the petition. Threats? Physical confrontations? Civics classes in California must be interesting.

A few years ago, the Italian socialists got porn star Cicciolina a seat in parliament. In a possible effort to catch up, the neofascist MSI party is now running a topless model for a seat in the legislature. Pollsters say the model, Alessandra Mussolini (who is also the granddaughter of a former European leader), has a good chance of winning.

Washington *City Paper* editor Jack Shafer reports that he recently got a phone call from Fairness and Accuracy in Reporting, the left-wing press critics. FAIR is checking into rumors that *Washington Post* writer Sally Quinn might be having an affair with former *Post* editor Ben Bradlee. Shafer said he didn't know anything about an affair, but Bradlee and Quinn have been married to each other for 13 years.

—Charles Oliver

Gold Coins of Napoleon

Rarity at a Bargain Price!

The rise of Napoleon from the ashes of the French Revolution marked the beginning of modern European history. But Napoleon's rise and fall took place during turbulent times. As a result, his gold coins are rare today. Thanks to a fortunate purchase, we are able to offer 20 Franc gold coins of Napoleon at our lowest price ever!

Napoleon the Man

Napoleon was the greatest leader in the history of France, and one of the most important figures in the history of the world. He came to power in revolutionary France, bringing order on the chaos that prevailed. He was the first popular leader of Europe.

As his enthusiastic armies crossed the Continent, destroying the old despotic monarchies that stood in their path, it appeared he might conquer the entire world. And he did come close: at its peak, his Empire stretched across Continental Europe from Spain to Russia and extended into Northern Africa and Egypt. Ultimately, it was the cold Russian winter that defeated him, enabling his enemies to exile him.

He plotted his way back from exile in 1815, waged a brilliant military campaign, only to be defeated by the British under Wellington at Waterloo, thus settling the fate of Europe for another century. This time, he was exiled to a remote island in the south Atlantic Ocean under heavy guard.

Rarity

At the height of his vast Empire, he was the most powerful man in the world. As befits such an Emperor, he had large quantities of gold coins struck with his likeness. But after he was crushed by the British at Waterloo, most of his coins were melted down and the gold used to mint new coins, featuring the likeness of his conquerors and of the Bourbon kings, restored to the French throne by British arms.

As a consequence, his gold coins are very scarce today. It is no wonder that collectors the world over treasure the gold coins of Napoleon!

A Lucky Purchase:

It's been two years since we have been able to offer the gold 20 Francs of Napoleon I. We simply haven't been able to acquire them in any quantity.

Recently, a dealer called us about a modest hoard of Napoleons. The coins graded nice Very Fine, about as nice as you find these classic beauties. Best of all, he quoted us a price so low we bought them immediately!

A Special Price

Thanks to our fortunate purchase, we can offer these 175+ year old rarities at the remarkably low price of $152 each. National advertisers have sold thousands of these same coins at $295!

Act Today! This special offering is limited to our stock on hand. Based on our experience of similar offerings in the past, there is an excellent chance that we will sell out our entire inventory.

These coins are offered on a first-come, first-served basis. At our special price, we could easily exhaust our supply. So act promptly to avoid disappointment.

To reserve your purchase, call us toll-free at 1-800-321-1542. (Michigan call 1-800-933-4720). Or return the coupon below.

Yes! Please send me the gold 20 Francs of Napoleon that I have indicated below. I understand that all coins are in Very Fine condition or better.

___ Napoleon I, 20 Francs, VF, @ $152 = _____

Shipping & Handling: *$5.00*

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APING HUMANITY

BY TODD SEAVEY

Marge: "Do you ever think about the future?"

Homer: "You mean, like, will apes be our masters?"

—The Simpsons

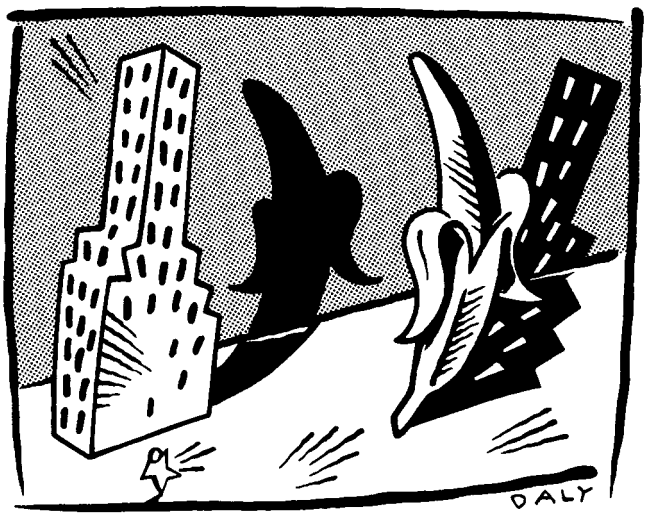
The full political implications of chimpanzees have rarely been explored. There have, of course, been attempts, such as Francis de Waal's *Chimpanzee Politics: Power and Sex Among Apes* and those PBS specials examining the politics of chimpanzees, notably diplomacy through flea picking and coups d'etat accomplished through the use of "secret weapons" such as gasoline cans (banged together noisily).

Nonetheless, these studies usually fail to make the point that chimps aren't just *goofier* versions of humanity; *they are* (very nearly) *humans stripped of culture.*

(Politically correct disclaimer: There may be no objective standard by which to judge chimpanzees "cultureless." From a chimpanzee perspective, the development of the termite-catching stick undoubtedly represents a huge cultural advance, while the steam engine may seem the height of folly.)

The reason that humans stripped of culture should be of great interest is that so many political and philosophical debates are about which human behaviors are products of our nature and which behaviors are "mere" social constructs. The Rousseauian left, feminists, deconstructionists, and radical environmentalists, in different ways, all claim humans would be swell if it weren't for civilization and technology. Cynics, conservatives, and pseudo-conservatives tend to emphasize the nasty, brutish, and short aspects of life in the jungle. Civilization and morality, suggest antinaturalists from Voltaire to F. A. Hayek to Camille Paglia, are fragile protections against that nature.

Think how much more quickly this debate would be resolved if everyone simply looked to the chimps for answers instead of to Nietzsche and the Marquis de Sade. Unfortunately, few chimps have composed bodies of work comparable to Nietzsche's and certainly none with as many sex scenes as the Marquis de Sade's. (The whole debate is stymied by the reluctance of conservatives to admit that Bonzo and Reagan spring from the same stock and the reluctance of the left to assign the status of personhood to anything—human or otherwise—that can't appreciate avant-garde film.)



Could it be that most people, even after Darwin, just don't see the close similarity between chimps and humans? If so, I feel frustrated by this blindness in much the same way that comedian Jerry Seinfeld feels frustrated by friends who don't want children but do have a pet chimpanzee. Says Seinfeld: "If you've got a pet that can roller-skate and smoke cigars, make that extra little evolutionary step."

Indeed, the chimp's resemblance to humans is close enough that it might be a good idea—as a friend of mine at Harvard Law (one with no special sympathy for animal rights) suggested—to let chimps wander our streets freely as citizens, returning a given chimp to the zoo only if it commits a crime. I'm told that a monkey in India was recently jailed for serial sexual assault (really) and later released at the urging of animal-rights activists, so there is a real-world precedent for this sort of thing. (Politically correct disclaimer: The fact that the monkey was released shows that the animal-rights crowd does not understand the gravity of sexual assault.) Most chimps would probably be productive members of society, though, such as the bar-tending chimp I saw on *That's Incredible* years ago. (Expect union opposition to this proposal.)

Any serious consideration of this chimp-liberating proposal leads one into complicated questions of sentience and the definition of personhood. The chimp should hover—like the flying monkeys of Oz—in the background of debates about moral competence in court cases or the rights-bearing status of all creatures. Why doesn't it? Where are the courses on Philosophy of the Chimpanzee? Where are the professors of baboon political science? Where are the gorilla ontologists?

Yes, facing the harsh truth in Bobo's face may be difficult for many of us. Are we just chimps with neckties? I think back on primates I have seen: the monkey at the San Diego Zoo who ate his own dung, the depressed snow monkey in the Central Park Zoo who picked clumps of fur out of his forearm while silhouetted against the New York City skyline, the chimp on *Nature* the other night who poked his fellow chimp in the eye with his foot while trying to do a handstand.

In the end, I smile proudly and long to pick a grub out of my scalp.

Todd Seavey is a writer living in New York City.

TOM DALY

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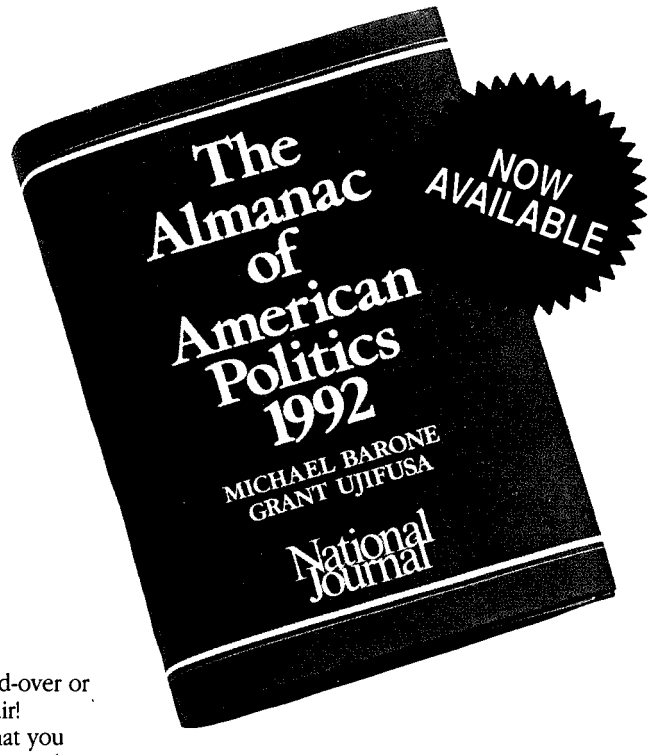

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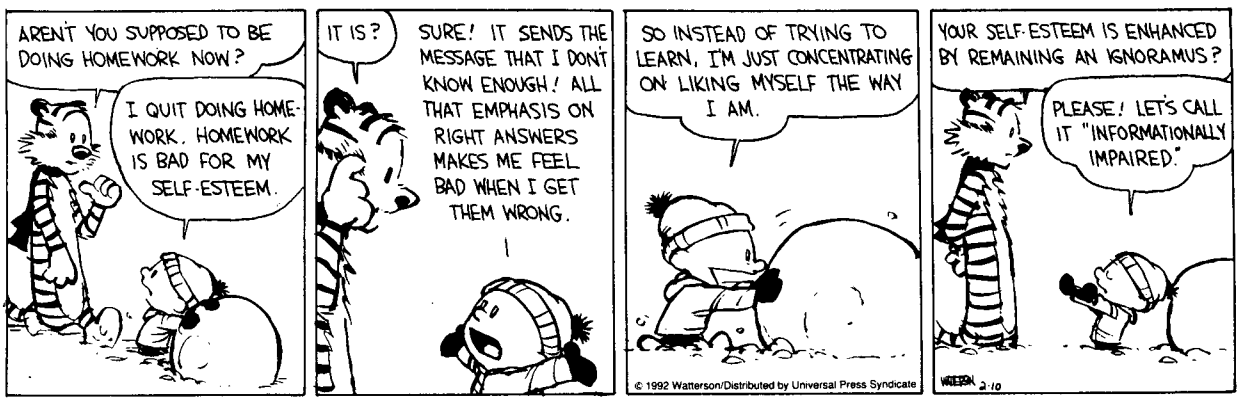
by Bill Watterson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PLEASE! LET'S CALL IT "INFORMATIONALLY IMPAIRED."

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S C H O O L D A Z E

A year visiting the schools that teach tomorrow's teachers reveals a new national curriculum: Forget the pursuit of knowledge. Promote "self-esteem."

By Rita Kramer

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The State University of New York is the nation's largest university system, with about 390,000 students on over 64 campuses. The SUNY campus at Plattsburgh is in what people who live there call the North Country, almost at the Canadian border. It is an economically depressed area, with no industry, little manufacturing, and only two main customers for services—the university itself and the nearby Air Force base.

The boyish-looking president of the university has made me welcome and told me a little about the Center for Teacher Education. A 2.5 grade average—the equivalent of a B- or C+—is the only entrance requirement for its undergraduate program. About one-third of the students come from the Long Island towns and other suburbs of New York City; about one-third come from other parts of the state, mostly from the district around Albany, the state capital; the remaining third grew up around here in the north. Only 4 percent belong to that vast student population still euphemistically referred to as "minority," meaning all groups classified as other than white. There is, however, the president tells me, much "multicultural" representation in the area. He explains that "around here, 'multicultural' means rural."

The main concern of these future teachers is not inspiring good students but protecting the average and the poor ones.

As I take a seat in a classroom I see over the blackboard at the front of the room, in large script, the legend: "We Choose to Feel Special and Worthwhile No Matter What."

The hour begins with the usual shuffling of papers to be returned, announcements about the upcoming final exam, and summary of the preceding class. They had been talking about classroom management, about the physical setup of the classroom and "how it impacts on the teaching-learning situation." Now they are moving to the question of assessment, from "issues of planning and implementing instruction" to "evaluating" it. In short, tests.

Appropriately enough, they are to begin with a short quiz. As I watch the young professor move from table to table handing out copies of the purple-lettered worksheet, smiling, calling the students—mostly young women—by name as he answers their questions, it strikes me that with his neat suit and tie, mustache and glasses, and pleasant manner, he could be a middle-management corporate executive anywhere in America. And he would not only be making a considerably higher salary, he would not be expected to spend his evenings making up worksheets and grading examination papers. What makes him—or others—choose teaching as a profession?

At the moment, surrounded as I am by students, I can only put this question to young women. Amy says, "I love little kids. I grew up with five older brothers and sisters, and my mom always had foster kids and baby sat." Lucy has a 4-year-old son. "When he gets to school I'll have the same working hours he does." Laurie too "loves kids." She actually beams when she says the words, as though they are completely new.

"Loving kids" as the motive for choosing a teaching career, the idea that at every level school should provide "a warm, caring environment," are axioms that go unquestioned, as the reactions to the questionnaire on grading and testing make clear. Some of the questions on the worksheet are: Do you think a student's I.Q. should be taken into consideration in his or her grade? Should effort play a part in a student's grade? Where do you stand on at least one large test for each marking period? Is the student's social class a factor? Where do you stand on the idea of a grading curve—an equal number of people receiving low grades and high grades?

Tabulation of the answers reveals that the main concern of these future teachers is not inspiring good students but protecting the average and the poor ones. "You should look at the effort, the amount of participation, not the intelligence level." Not surprisingly, they think of themselves as "average." They want everyone to end up with a passing grade—in school, in society, in life.

To that end in the discussion that follows they suggest various Byzantine ways of begging the question of standards. "What about the third-grader who tries," one of them asks, "but just can't learn to read?" "Mark him for effort." "Don't use grades to discourage him." "Use grades as positive reinforcement." "There are some who strive but it's tough for them. So the struggle should count." "Why not separate things—give him a D for achievement and an A for effort." The last solution elicits laughter from everyone—a manifestation of the good-natured attitude that seems to characterize their personalities as well as their positions.

The only question raised to challenge these views is, "What if you pass a poor student on to a situation where he can't survive?" The focus is still not on any objective goal but on the well-being of the individual student. But now the instructor steps in and asks the class, "What are grades for? Why do we give grades?" "They make us." (Laughter) "To get feedback about achievement." "To keep track of overall improvement. Moving from an F to a C means more than getting As all the

time." "To have something to tell the parents." "For the teacher's benefit—to see how effective you are."

The responses give the instructor an opening to remind them of some of the reading they've been assigned in their textbook this semester. "Bloom's taxonomy...judgment based on criteria...." Blank faces. They looked alive when giving their opinions, recounting their experiences. Faced with an abstract argument, they seem to go dead. He perseveres nevertheless, reminding them of the agenda: planning, which involves setting goals; implementing; evaluating, which involves having some objective criteria. They're not disrespectful, they don't argue, but one can see they're not buying it. They don't like the idea of objective criteria for grading. They want to make allowances for poor performance and, if possible, rule out failure altogether. In the end he finds a common area of agreement between himself, a teacher of teachers, and his pupils who will fan out to the public schools to teach children, including three of his own: "A lot of the learning that goes on in a classroom is not based on performance objectives."

A class in Elementary Foundations of Education proves elementary indeed. It is a room full of girls, all of whom seem to have spent more time thinking about the arrangement of their hair that morning than about the theories of child development, educational psychology, and the history and philosophy of education which they are presumably here to discuss. Peggy, Sharon, Lynne, and Mary Beth, like members of the other groups of four or five, have prepared descriptions of a philosophy of education for their classmates. These are shallow summaries in a paragraph or two of complex ideas that most members of the class will be spared having to read in their original forms, purple printed pages decorated with little drawings evidently meant to supplement the meager text.

The definition of "perennialism," the subject of this morning's first presentation, is given in the form of a flower whose petals are labeled "truth," "beauty," and "goodness," the leaves "classical" and "realism," and the stem "Great Books." Mortimer Adler is identified as the leading proponent of this school of thought and the phrase "liberal education" is mentioned. The group carrying out this assignment has gone to the library and taken out some of the great books, which they have brought to class and arranged on a table. Displayed are worn library copies of Aeschylus, Dante, Machiavelli, Plato, Aristotle, Homer. Some of the girls walk to the table and look at the books but do not bother opening any of them.

One member of the class, when called on for discussion, volunteers, "Liberal arts is not what we're interested in. Here you want to start learning about your life." She goes on, "We've been doing liberal arts all our lives in school. Now I want to learn about teaching little children." During the break I ask her what liberal arts she has studied. She tells me she has taken courses in psychology, economics, and sociology. She is 19, and what she knows about the liberal arts is that she isn't interested in them.

Most of her classmates agree, "I like school and stuff, but...." trails off into a shrug. "The teachers here," says another, "they're so knowledgeable of their courses." Another says, "You get burned out in college." "We could argue till we're blue in the face, we all have different opinions, so why argue? We want to get out of school, get out there and teach." They take a vote, and only one out of the 24 votes for a system that would require four years of liberal arts prior to teacher training courses. "Why waste four years on this liberal arts stuff after 19 years of straight education?" is the way Michele puts it.

The "existentialists" fare somewhat better than the "perennialists" in the morning's demonstrations. The printed description is simple but clear, and verbal rather than visual. ("The individuals make responsible choices freely...allow students to freely select topics for study...make the school fit the child instead of making the child fit the school.")

Asked by the instructor how they want to present their topic, the young ladies representing existentialism say they will act out a classroom situation illustrating it. While four of them sit on the floor pretending to do different things, the fifth, playing teacher, asks how they want to spend the next hour. Two vote for a science project, one votes with her feet, saying she will go out in the playground and pretends to open a door and leave the imaginary classroom, and the fourth has no opinion. The science project is to consist of making an Albert Einstein puppet. "How do you feel about that?" the pretend teacher asks the fourth pupil, in an unconscious parody of the Summerhill kind of school one assumes they have in mind. A little more pretending to be children, a lot of giggling, and the real professor sits by, smiling as she watches. The pretend teacher looks at her pupils' imaginary handiwork and says, "That was a really nice group activity."

The hour is drawing to a close, and from her seat at the side of the room the earnest and attractive young professor tries to stimulate questions from the group. A few of the students make statements about whether they liked or did not like the kind of school depicted and whether they thought it would or would not "work." Most sentences are finished with something like "dada dada," as in, "If the teacher just says, 'Do this, dada dada....' " Or, "The teacher's gonna be like, well...."

Summing up, the professor asks the class, "Do you think an existential education person would be a conformist or a nonconformist?" Several students call out, "nonconformist." "Good," she says, smiling.

Eastern Michigan University looks a lot more like the Plattsburgh campus of SUNY than its next-door neighbor, the University of Michigan at Ann Arbor. Like Plattsburgh, it began life as a state normal school, the first such teacher-training college west of the Alleghenies. A marker at the entrance to the unprepossessing campus notes the founding of Michigan State Normal School in 1849 with the aim of providing instruction "in the art of teaching and in all the various

branches that pertain to a good common school education."

EMU is the largest producer of teachers in the country.

Curious about how teachers of teachers feel about the issue of sex education in the classroom, I choose to start my first day at EMU in a class on Health Education in the Elementary Grades, a required course for all elementary certification students.

The Health Education class is simple and obvious. Keep a flashlight in your desk for emergencies like power failure; don't wear red under fluorescent lighting. The five men and 18 women, presumably grownups—one of them mentions that she is the mother of four—have been given an outline of the material covered, yet they all take notes as they listen. A whole hour of this—the subject is classroom lighting—and yet the teacher somehow holds their attention. She's forceful, funny, a little mocking of the material even as she explains, gives examples. On a scale of 1 to 10, the course is a 1 as subject matter, a 10 as a demonstration of method.

Assessing her pupils, one ed-school prof says, "Let's face it, education is what you go into if you can't get into anything else."

After class, I learn that I've come during the part of the course that precedes the later treatment of sex and AIDS education—"reproductive health," it is called. "Sex," the teacher comments, "is threatening to parents." She tries to keep the emphasis on reproductive biology, not interpersonal relations, thinks the Michigan Model, a K through 7 comprehensive health curriculum that mandates teaching about AIDS in elementary school and has been adopted by 400 districts in the state, is "exciting."

On her desk stands what looks like a taper left over from some candlelit dinner party. It is a dildo, she tells me matter-of-factly, used to demonstrate the use of condoms. No, she never would have expected, at the beginning of her teaching career, to be doing this. "But I'm teaching them"—the education students, about to become teachers—"what they need to know, not what they will teach kids in their classrooms....

"Young teachers today are just not well educated enough to do the job we're asking of them. I look at them and I think, How are you going to manage? They're ignorant, naive, they have low abilities. Let's face it, education is what you go into if you can't get into anything else. I had a student, a very nice young man, who liked people and got along well with kids but just could not write. His mother called me to complain because he was failing and I asked her, 'Does he really belong in education? In that field, our tools are reading and writing.' And she said, 'But if he's not a teacher, he'll have to go and work on the line.' So there you have it. We're the next-to-the-bottom rung."

That same morning, dispirited by what I've just heard, I take my seat in a section of a secondary methods course on Teaching Social Studies, expecting the worst. What I get instead is a taste of education, something I'd almost given up expecting to find.

"We're discussing background...theories...bias" is what I hear as I take my notebook and pen out. The text on the armrests of the chairs around me is *The Western Intellectual Tradition: From Leonardo to Hegel*, written by J. Bronowski and Bruce Mazlish some 30 years ago and revised about 15 years ago. As I look around the room it seems to me the students are more alert, more focused, than the elementary group I've seen earlier. As the hour proceeds, their comments and questions make it clear they are more intelligent, more articulate. There are many more men—13 in the class of 20—and two middle-aged women, along with five younger ones.

I wouldn't have been able to predict the direction the class would take from the way it began. "Bias," the dark-haired, bearded, casually dressed professor is saying, "means something has to be left out for some purpose. Take the title of this book. It leaves out Eastern thought and how the West drew on it, and parts of non-Christian Western Europe, and even then it's just a history of thought. And even in those 400 years it covers, it leaves out women. It was written in the '50s, and our frame of reference has changed. The civil rights and women's movements, the awareness of minorities, had not hit the scene yet. Our consciousness has been raised since then. History meant to these authors a male orientation. If you were to use this book—not as a text, of course, but even as a source book—you would have to recognize the bias in the book and do some digging around to include women in those 400 years. No women intellectuals in that period? What about the patrons in Italian noble families? You'd point out the Jewish importance at the roots of Christianity...." And somehow, having said what has to be said about the role of minorities, we have elided into talking about civilization, the expanding world.

There is discussion of the move from the medieval religious society in Western Europe to the secular, to nationalism, ex-

ploration and colonization, the development of mercantile capitalism, the industrial and commercial revolution. Questioning, summarizing, the professor, a former high school teacher of history, suggests how these student teachers might present or highlight an idea, an example. How could they help their students relate the Renaissance to what came before and after? ("Let's pursue Leonardo. How does he represent one of those characteristics we associate with the Renaissance?") What's an effective way to bring in documents? To bring in references to other cultures that are significant? ("In Confucian times we find...")

I leave the class exhilarated. The level of interest shown by these teaching students (self-selected, to be sure; this is not a required course) is like a reminder of something forgotten. As I walk across the campus, thinking about some of the things I have heard, it occurs to me that students would need to master basic skills in grade school if they were going to be able to follow and understand in high school a book like the one we have been discussing. If you have spent all your time learning to adjust, you don't have the vocabulary or the habits of mind to call on. Perhaps the students in this class and others like them will be the new monks, keeping learning alive in a new kind of academic dark age.

The class in Social Aspects of Teaching, a course required of all certification students, consists entirely of women. Four of them are mothers preparing to go back to work now that their children are in school, and the other dozen or so range from a couple who might have been taken for not-very-bright high school students to a few who are self-possessed, attentive, and articulate. Responses not surprisingly range from the vague and meandering beside the point to focused and germane to the issue, which on this day is the Hidden Curriculum.

The capital letters are there in the emphasis given the words by the professor, a young woman whose somewhat bohemian dress, a long skirt, and an oversized dark sweater embroidered with what looked like a South American Indian motif contrast with the standard jeans and corduroys, bulky sweaters, and down vests of her students. A young woman with a blank face chews gum next to an alert-looking bespectacled student of about 30 writing in a looseleaf notebook. They are a blue-collar group, as their occasional references to their own lives make clear (a husband on the line, a father out of work, the first of her family to go to college).

We get right down to business with a distinction between the functionalists, who say the hidden curriculum (we are not debating its existence) is necessary, integrative, helps fit individuals' into society's needs, and the conflict theorists, who say the hidden curriculum is what those in power, "capitalists," want, that it serves the interests of one socio-economic group over the interests of others. The professor then offers a definition of ideology: "a shared system of beliefs of a dominant class or culture."

Watch out, she tells them, for ideological bias in social science textbooks. They can be "vehicles for leaving things out and a person who doesn't know that doesn't question it, doesn't ask whose interest it is in." Example: the ideology defining the place of women in the 19th century. Men benefited. She asks for other examples of beliefs grounded in social structure.

The A student, the one who always has the answer and does most of the talking ("Can I hear from someone besides Amy?" the professor asks plaintively at one point), has her hand up. "Going to the doctor," she says. "That's an ideology. It benefits the group of doctors at the expense of native healers and herbalists, people who practice holistic medicine."

The others are catching onto what the teacher wants. "Prescriptions," says a young woman with a vast cloud of blond hair. "The IUD benefits the prescription companies [sic] at the expense of women." The professor nods. "As a culture we've become the medical model."

A heavyset sallow young woman offers: "The power people who own the textbook companies—" she pauses, looking at the professor, then says, "The capitalists—they want us to think unions are bad." The professor nods again, encouraging. "The people doing the selecting," she says, "the district school boards, don't take into account lower-class culture."

A young woman who has been quiet up to now raises her hand and asks the professor, "As a teacher, aren't you supposed to teach what's in the curriculum? That's your job? You can't just...." She's not getting encouragement from the front of the room. She trails off.

"I wouldn't be teaching you to question the texts you give your students," says the professor, "if I didn't want you to read the material you give your students critically and find ways of supplementing it, correcting it." She moves on to a discussion of an article from the *Harvard Educational Review* called "Tootle: A Parable of Schooling and Destiny," copies of which she has given all the students to read. In it, a university professor analyzes the text of a Little Golden Book, first published in 1945 and by now a classic of children's literature, that tells the story of what happens when a young locomotive goes off the track, fails to follow the rules of the school for engines. In the end Tootle learns there is nothing but trouble for locomotives that go off their tracks, and when he becomes a famous Flyer he advises the young locomotives, "Work hard....Always remember to Stop for a Red Flag Waving. But most of all, Stay on the Rails No Matter What."

In 18 pages, the story is exhaustively analyzed as a "picture of society...meritocratic...a class system" which "works because responsible authorities make decisions and because everyone else follows rules." There's a good bit about "the State...conspiracy...surveillance" and Tootle as "a worker, not a decision maker" who has to "stay in his place without question" and not "presume to choose his own course or destiny," rewarded in the end for conforming to the manipulators.

It is not clear whether the author of the article would ban *Tootle*, rewrite it, or provide each 3-year-old with a study guide. It is also not clear from anything this earnest young professor tells her class of unsophisticated young women—and they

would have no other way of knowing this—that the article itself represents a particular ideology, the Marxist "revisionist" school, many of whose members are the authors cited in its scholarly footnotes.

"*Tootle* didn't seem to me," says one of the students, but she isn't good at argument. "...to be about all that," she finishes lamely.

Another, one of the older women, says, "What would a 6-year-old get out of it? I read it to my kid. 'Work hard in school'—isn't that what we all want?"

The professor pounces on this statement. "What does that sound like? Anyone?"

Amy, the A student, has got it. "Meritocracy! And if it doesn't work, if you don't succeed, you think, What's wrong with me? Because it doesn't always work."

The aim is not to produce individuals capable of effort and mastery but to make sure everyone gets a passing grade.

New Jersey's Provisional Teacher Program is in its fifth year when I see it in operation in the summer of 1989. A pioneer on the alternate certification route, the program takes eligible college graduates who want to teach and immediately puts them into a classroom, where they have full-time one-on-one supervision by an experienced mentor teacher for a month and less intense but close supervision by a support team for a full school year.

During that time, they also take 200 hours of instruction on evenings and weekends in teaching methods and techniques and related matters. They learn about classroom management, lesson planning, discipline, use of the prescribed curriculum, and how to find and use other kinds of resources. At the end of a year of full-time teaching, if they have passed the National Teacher Examination at the required state level and satisfactorily completed the 200 hours of course work, they are eligible for regular certification in the subject that was their college major if they plan to teach in high school, or in generic teaching if they'll be teaching elementary grades. The point is that they have to have majored in some subject area, not in education.

The purpose of the program is to get people into the classroom who might not think the investment of time and money required by traditional graduate education programs worth their while. The real question is whether such alternatives attract not only more but better teachers.

The group I sit in with are intelligent, highly motivated, and high-spirited. It is now the end of the school year, and they are sharing anecdotes—horror stories about children, parents, and principals as well as moments of triumph—and making plans for an end-of-year celebration complete with T-shirts that will read "NJ Provisional Teacher Program—The Road Less Taken." They seem to have acquired a grasp of how to juggle the many responsibilities of a classroom teacher and to be facing what lies ahead for them with enthusiasm. The only trouble with them is that they don't seem to know very much more than the graduate ed students I've seen and talked with.

For instance, a young man whose bookish demeanor and interest in teaching English in high school seem at first glance to be impressive says about the difficulty of teaching both writing skills and grammar: "It's hard, hard to...like, disseminate?—is that the word I want, disseminate?—mix together...." He pauses, evidently at a loss, and the lecturer offers, "Integrate?" Relieved, he says, "Yes, integrate."

On one summer evening I sit in with a group that meets in a stifling classroom in the high school of a small New Jersey town. They have come from cities and suburbs where they are teaching elementary and high school classes. There are more women than men, and more whites than blacks, but more men and more blacks than in most education classes I've been in. I have been told that one of the effects of this program has been to attract increasing numbers of minority students—22 percent, as compared with 10 percent of the state and 5 percent of the national enrollment in teacher training. "They may not think of teaching while they're in school," one of the program administrators says of the black and Hispanic students, "and then they graduate into the real world and decide they'd like to teach."

The crash course that will enable them to do so with a minimum of delay and expense is led on this evening by a lecturer from a state college with many years of high-school teaching experience behind him. He spends the first hour and a half on the topic of planning, talking about the different ways in which a high school teacher concerned with graduation requirements in his subject and an elementary teacher concerned with an entire spectrum of subjects both have to plan their objectives in content and skills for September to June, then for each marking period, finally for every single day, and how their goals and expectations should be set, evaluated, and revised when necessary.

"You can't just have an idea of what you're going to cover over the year and then wing it day by day, figuring you'll get there somehow. If you do that you're neglecting your professional responsibilities. And when you bring the day's lesson to closure," he reminds them, "you have to have a way of evaluating what they've understood."

As the evening progresses, judging by the response of the class, they are learning a good deal that will really be useful in teaching. The comments of both lecturer and class actually reflect the realities of the world of the classroom.

"Judy, as a fourth-grade teacher you have to cover the whole nine yards of subjects: English—well, they call that language arts now—spelling, writing, vocabulary—they don't learn to diagram sentences anymore, do they, it's a shame—reading, math, science, social studies...."

Martha, who's black and teaching in an inner-city elementary school, complains about textbooks: "I wish they'd get a writer to write them. The way they're written, they make the history so boring."

The lecturer agrees. "It's not just the style. There are no ideas in them. They should talk about things like the effect of the frontier on the American spirit. Kids can deal with that."

Linda says, "You start at the beginning of September with 10 kids and you end up with 40. You better not write the names in ink in your grade book, they come and go so fast."

The lecturer nods, "And you've got paperwork up the kazoo. You have to fill out a form for everything. And meetings. The beginning-of-the-year 'Let's Get 'Em' meeting. The Association meeting. The district meeting on drugs and alcohol that's required by law now ....

"What's the first thing you want to try to achieve in September?" he asks them. Laura answers immediately: "Order." Mona says, "Getting to know them, who they are."

The talk turns to violence and the movement for conflict resolution in urban schools. Instead of the principal or vice principal imposing discipline (it can get confrontational), "a student team might adjudicate fights."

Nina tells about a fight that broke out between two girls in the junior high school where she is teaching. "One of them was banging the other's head on the floor and she could have cracked it wide open. Not one adult made a move. Not one. The assistant principal was right there, too. I got in between them and stopped it and took the one of them down to the A.P.'s office. And he's like, oh, you're brave!"

Donna speaks up. "I don't know what to do. I have kids in my class who can't speak, can't move. I have others who can read and do multiplication. In the same group." At this, Elena turns to her and says, "I have a blind, deaf child. I don't know what to do with him. I just go over and touch him every once in a while." For a minute, nobody says anything.

Then the lecturer breaks the silence. "None of us can imagine," he says quickly, "at least I can't imagine—what it must be like not to be able to see, to hear...." All of us must be wondering the same things. What it's like for the teacher, for Elena? What can she do for this child? How much of her energy, the resources needed to teach the children able to learn from her, is spent? Is it worthwhile, or a waste?

Wherever I went in my year of crisscrossing the country from one college or university to another, whether in public institutions or on private campuses, in urban centers or rural areas, I found a striking degree of conformity about what is considered to be the business of schools and the job of teachers. Everywhere I visited, in new concrete structures and old stone halls of ivy, among undergraduates or older students, I heard the same things over and over again. And failed to hear others.

Everywhere, I found idealistic people eager to do good. And everywhere, I found them being told that the way to do good was to prepare themselves to cure a sick society. To become therapists, as it were, specializing in the pathology of education. Almost nowhere did I find teachers of teachers whose emphasis was on the measurable learning of real knowledge. The aim is not to produce individuals capable of effort and mastery but to make sure everyone gets a passing grade. The school is to be remade into a republic of feelings—as distinct from a republic of learning—where everyone can feel he deserves an A.

In order to create a more just society, future teachers are being told, they must focus on the handicapped of all kinds—those who have the greatest difficulties in learning, whether because of physical problems or emotional ones, congenital conditions or those caused by lack of stimulation in the family or lack of structure in the home—in order to have everyone come out equal in the end. What matters is not to teach any particular subject or skill, not to preserve past accomplishments or stimulate future achievements, but to give to all that stamp of approval that will make them "feel good about themselves." Self-esteem has replaced understanding as the goal of education.

Thus the education of teachers has not only been politicized; it has been reoriented toward what is euphemistically called "special education." The ed-school culture today is dominated by the diagnosis of learning pathologies and the development of learning therapies—methods for dealing with, if not actually teaching anything to, the various kinds of children with learning difficulties. It is no longer acceptable to think in terms of different systems for different kinds of students of differing degrees of ability and motivation, since it is no longer learning that is at the center of the educational enterprise but, increasingly, the promotion of "equity." What happens to those more-capable or motivated students is hardly anyone's concern.

Where the purpose of the educational system is to promote "self-esteem" regardless of actual accomplishment, substitutes for accomplishment must be found. In the current political climate the chief substitute for measurable individual achievement has become emphasis on the (superior) characteristics of the racial or ethnic subgroup to which one belongs. As a result, the emphasis is shifted from the common values of the larger society to identification with the special interests—and per-

ceived grievances—of this or that racial or ethnic groups. And membership in a particular group becomes a more important qualification for teaching than expertise or experience. Thus the ubiquitous concern in teacher education for more "minority teachers" rather than for more good teachers of science, math, history, or literature, no matter who they are or where they come from.

As separatism is emphasized and content trivialized, accountability is ignored. Testing, in the ed-school world, is almost as bad as "tracking" students by ability. No one wants to know the actual results of these policies—whether they really help poor students, how they affect the bright and the gifted. The ed-school establishment is more concerned with politics—both academic and ideological—than with learning.

Neither possessing nor respecting knowledge themselves, how can teachers imbue their students with any enthusiasm for it?

Since what matters is not whether or not anyone has learned anything, but that no one fail to pass, the threshold is lowered as required for almost anyone to get by—in the schooling of teachers as well as in the schools in which they will teach. After all, special methods, not specific subject matter, are what they will be expected to demonstrate.

Meanwhile, any criticism of this state of affairs is met with the charge of elitism or, worse still, racism. No one in the ed-school universe dares publicly to advocate a curriculum that resists the "cooperative learning," the "multicultural" and "global" approach that is often a thinly disguised rejection of individualistic democratic values and institutions and of the very idea that underneath all our variety of backgrounds we Americans have been and should continue to become one nation, one culture.

The only way to have better schools is to get better teachers. We will never improve schooling, no matter how many reports by commissions, panels, and committees prescribe whatever changes in how the schools are structured or how reading or math is taught, until we improve teacher education. What we have today are teacher-producing factories that process material from the bottom of the heap and turn out models that perform, but not well enough. What we need is to sacrifice quantity for quality, in both the institutions that educate teachers and their graduates. The institutions should be essentially academic, and their graduates should be judged by how much they know, not just how much they care.

If we expect to attract better applicants, they will have to be able to look forward to being paid well; to being given a measure of independence from administrators, politicians, and special-interest groups; and to being able to advance in their profession according to their achievement in a more narrowly defined job. That means as teachers of reading and writing skills, of history, science, math, literature—not as social workers, baby sitters, policemen, diagnosticians, drug counselors, psychotherapists.

At present, our teacher-training institutions are producing for the classrooms of America experts in methods of teaching with nothing to apply those methods to. Their technique is abundant, their knowledge of science and the liberal arts practically nonexistent. A mastery of instructional strategies, an emphasis on educational psychology, a familiarity with pedagogical philosophies have gradually taken the place of a knowledge of history, literature, science, and mathematics. Little wonder then that in so many of our high schools those subjects have given way to courses in filmmaking, driver education, and marriage and family living. Neither possessing nor respecting knowledge themselves, how can teachers imbue their students with any enthusiasm for it? Nowhere in America today is intellectual life deader than in our schools—unless it is in our schools of education.

We have set aside equality of opportunity—the idea of opening doors to anyone—and replaced it with equality of results. Everyone has to pass, to be promoted, to enter college, to get a degree. And so a degree has come to mean little more than that one is alive and has applied for one.

That is why alternative certification programs are no panacea for the ills that affect our schools. The good news about these programs is that they provide a way to circumvent the unnecessary baggage imposed by the ed-school curriculum, leaving room for substantive learning instead. The bad news is that the people coming out of these programs are only as good as the education they themselves have had—which brings us back full circle to the cumulative inadequacies of an educational system whose erosion of standards has left the average college degree meaning very little and the average college graduate not particularly rich in substantive learning.

Rita Kramer is the author of Maria Montessori: A Biography, In Defense of the Family, *and* At A Tender Age: Violent Youth and Juvenile Justice.

CONTROL FREAKS

HOW PROGRESSIVES AND EFFICIENCY EXPERTS ABOLISHED SCHOOL-BASED MANAGEMENT.

BY MARTIN MORSE WOOSTER

When teachers' unions complain about rigid, top-heavy management and criticize increased school spending, you know the American school system is indeed too bureaucratic. And teachers are complaining, often very loudly.

In January, the Rochester, New York, Federation of Teachers (an American Federation of Teachers local) bought a full-page ad in the city's daily newspaper listing the titles and salaries of 300 administrators the union thought should be fired in order to make the school system more flexible and more productive. "More often than not," Rochester teachers' union head Adam Urbanski told *Education Week*, "more money for education is indeed throwing good money after bad."

The Rochester teachers have joined a growing number of critics of the American school system who claim that public schools have too many administrators and too much central direction, leaving schools unresponsive to the needs of teachers, parents, and students.

But sacking unnecessary administrators isn't easy. The organizational structure of most school systems, in which a large central office minutely controls the affairs of the schools in its district, has been in place for generations. "We too rarely realize that today we know far more about the stunningly complex processes of learning than we did 90 years ago," notes education professor Theodore Sizer in his new book, *Horace's School*, "but that the template of American secondary education that was struck then is very much in place."

But how was this "template" created? Why did American high schools become rigid command-and-control bureaucracies? The answers are found in debates that concluded around World War I. School decentralization is not a new idea. If instituted, it would simply return American public schools to the practices they abandoned at the turn of the century.

Until 1900, most public schools were under local control. In 1890, the average state department of education had two employees, but nearly 500,000 local school board trustees hired and fired employees, determined curricula, and set budgets. Rural schools set aside time every Friday for "declamations," times when parents could visit the schools and talk with teachers about their children's progress.

In the cities, "ward boards" ensured that large numbers of parents would have a substantial say in school affairs. In Philadelphia, for example, there were 545 ward board members making it easier for parents to approach an elected official about problems. "A ward board, or ward representative," historian Joseph M. Cronin observes, "could 'ask around' and talk with people about vacancies and about the particular problems faced in an individual school building."

At the turn of the century, notes historian David Tyack, "there was 'school-based management' and community control to a degree unimaginable in today's schools. Local trustees and parents selected the teachers, supervised their work, and sometimes boarded them in their homes."

But between 1900 and 1915, the Progressive movement systematically destroyed local control of schools. The Progressives believed that government agencies should be run not by politicians and political appointees beholden to special interests but by highly trained nonpartisan experts who would serve the public interest.

In city after city, the Progressives steadily worked to eliminate the ward boards and replace them with a single consolidated board with a few members. In many cases, particularly in New York City, the reformers tended to be middle- and upper-class whites wary of giving control of the schools to immigrants.

The Progressives also believed that centralized control would ensure that schools would be immune from patronage. "If there are men who will not accept the office of trustee unless they can appoint teachers and employ tradesmen," said Nicholas Murray Butler, leader of New York City's school reformers (and later Columbia University's president), "there are other citizens worthy of respect, who have no taste for the distribution of spoils but are interested in education." Arguments for the democratization of schools, Butler contended, were as foolish as those for the "democratization of the treatment of appendicitis."

IN MANY CITIES, THE REFORMERS TENDED TO BE MIDDLE- AND UPPER-CLASS WHITES WARY OF GIVING CONTROL OF SCHOOLS TO IMMIGRANTS.

But most of New York City's ward board members were not under the control of Tammany Hall or anyone else. Forty percent of them were Republicans, and most had respectable occupations. Columbia University historian Diane Ravitch says that "more than half were merchants; others were lawyers, doctors, judges, and bank officials." These solid citizens campaigned vigorously for local control: 100,000 parents signed petitions opposing consolidation of the city's school boards. New York's mayor, nearly all the teachers, and 15 out of 21 members of the city's Board of Education also opposed consolidation. The ward boards, nonetheless, were abolished in 1896, and the school boards in Brooklyn, Queens, and Staten Island were also abandoned when these cities merged into New York in 1898.

After the ward boards were abandoned, New York Mayor Sylvanus Van Wyck warned that the reform would do more harm than good. School board consolidation, he declared, was "a radical move in the wrong direction [bound] to destroy all local interest...[and] practically exclude the people from all management of the schools."

Despite Van Wyck's warning, the school board remained small. What happened in New York happened in other cities; by 1910, 545 ward board members in Philadelphia were reduced to eight. The swift process of school board consolidation had Chicago Teachers Union President Margaret Haley warning in 1909 that "our city school systems shall become great machines, in which one superintendent 'presses the button' and all the teachers move absolutely as he directs."

As parents lost ground, superintendents gained. The superintendency became professionalized; from 1903 onward, superintendents could obtain doctorates, either from Columbia University's Teachers College or from Stanford. But it took a second event to complete the transformation of the public schools into rigid, command-and-control bureaucracies: the "efficiency craze."

In the first years of the 20th century, Frederick Winslow Taylor conducted a series of "time-and-motion" experiments showing that workers could vastly increase their productivity if their jobs were broken down into a series of easily repeatable acts. Taylor argued that *any* organization could be made more productive by using his methods. The principles of efficiency, Taylor wrote, "can be applied with equal force to all social activities: to the management of our homes; the management of our farms; the management of the business of our tradesmen, large and small; of our philanthropic institutions, our universities, and our governmental departments." Taylor's ideas swiftly entered general circulation.

Between 1910 and 1914, "efficiency experts" swarmed across factories, bureaucracies, churches, and even households and came up with ways to be more productive. (Their typical advice to mothers: Serve standard meals at standard times.) By 1915, most organizations had forgotten the efficiency experts' advice. But not the schools; the efficiency craze permanently altered the way they were run.

In 1912 and 1913, the *Ladies Home Journal* ran an eight-part investigation of American education that concluded that schools largely failed to educate students. In New York, the *Journal* reported, winners of a *New York Times* essay contest were those who had the fewest composition classes. The *Journal* also noted that "the public librarians have shown that the most numerous requests for good literature come from those who have not studied literature in school."

In San Francisco, Frederic Burk, president of the San Francisco State Normal School (now San Francisco State University) quizzed 40 bright high school seniors in that city and found that only 11 out of 40 could identify labor leader Samuel Gompers, while 23 of the 40 did not know who

Charles Darwin was. Some students, said Burk, thought that Booker T. Washington had assassinated Lincoln, that Sen. Robert LaFollette was "a Frenchman of the Fourteenth Century who explored," and that Charles Darwin had conspired to kill Mary, Queen of Scots.

School superintendents, as Raymond Callahan showed in his 1962 book *Education and the Cult of Efficiency*, responded to public criticism in ways that resulted in permanent change. They began to pay more attention to items that could be *measured*—test scores, expenditures, salaries—and less to intangibles, such as determining what methods of instruction could best ensure that students learned.

Increasingly, these superintendents saw themselves more as chief executive officers of large corporations and less as scholars or professors. "Educational administrators," said Callahan, "by devoting more of their time and energy to the financial aspects of education and less to the instructional aspects, moved closer to the business-managerial role and away from the educational role."

INCREASINGLY, SUPERINTENDENTS SAW THEMSELVES MORE AS CEOS OF CORPORATIONS AND LESS AS SCHOLARS OR PROFESSORS.

But how could schools become more efficient? Many different approaches were tried. New York, Detroit, Boston, and New Orleans established efficiency bureaus. In Blackfoot, Idaho, the schools adopted "student efficiency tests," in which students were judged 2 percent more efficient if they slept with at least one window open and 5 percent more efficient if they made it a rule "to do a kindness toward someone each day." But a graduate student at Columbia University's Teachers College proposed what became the most significant change.

For his doctoral dissertation, J. Howard Hutchinson studied various school systems to see how they managed their supplies and found that few could adequately describe how they ordered supplies or how many goods they had in stock. He recommended that schools adopt 22 forms, including purchase orders, time sheets, expense ledgers, and so on. Hutchinson's record keeping was quite thorough; his form for ordering supplies and textbooks had 19 entries, and his requisition forms had 21 (to be filled out in triplicate).

Hutchinson argued that, if his system were implemented, the public could be better informed about how school systems spent their tax dollars: "An inquisitive citizen could, from the accounting kept by [the] board of education, learn whether or not it was faithful to the trust imposed in it, i.e., whether it spent the money as it stated it did." He also contended that his system would cost very little; school systems need only increase their budgets by $1,800 to pay for the cost of a clerk and his assistant.

Hutchinson's ideas spread rapidly throughout America. As David Tyack and Elizabeth Hansot showed in their 1982 study *Managers of Virtue*, most of America's educational leaders at the time were a relatively small close-knit group of men who went to the same graduate schools (usually Stanford or Columbia), who frequently attended the same conferences, and whose careers routinely rotated between school superintendencies, high-ranking positions in the National Education Association and the U.S. Office of Education, foundation posts, and professorships at leading universities.

A dissertation, if published in the right place (such as Teachers College), could easily reach a select audience of people who could use the monograph's findings to make major changes in American education. As a result, Hutchinson's research, by offering superintendents a relatively low-cost way to satisfy taxpayer demands for economy, proved far more influential than most graduate theses.

By 1920, the organization of American schools was firmly fixed. School districts were to have large central offices that restricted the autonomy of their schools by controlling supplies and regulating conduct and school governance. School superintendents, seeing themselves as the chief executives of institutions as complex as General Motors, created hierarchical management structures using organizational techniques (such as command-and-control or line-and-staff management) thought innovative at the time. Had these superintendents chosen alternative models of organization (such as those used in hospitals or churches), schools may well have emerged as decentralized institutions whose heads were considered scholars rather than bean counters. But this was not to happen.

Little evolution has taken place in educational administration since the 1920s. Most large corporations are now striving to eliminate as many layers of administration between the CEO and the workers as possible. But civil-service regulations and the natural inertia of bureaucracies ensure that administrators still clog school systems and consume most of the tax dollars spent on education.

Still, school superintendents forced to make budget cuts might ask themselves whether they can afford an antique organizational structure. And voters threatened with tax increases for education might consider whether it is desirable to preserve all those central-office jobs. If these questions are asked—and asked repeatedly—the lessons the Progressives taught American educators may finally be forgotten.

Contributing Editor Martin Morse Wooster is writing a book about reforming public high schools.

YEAR OF THE RAT

New drug laws are creating a cadre of unreliable and unsavory witnesses.

BY CYNTHIA COTTS

MARC MICHELON

Federal laws have produced a glut of jailed martyrs and spurious informants. Too often, prosecutors recommend lenient sentences for kingpins who cooperate while throwing the book at middlemen who won't talk.

They were the Cain and Abel of the U.S. Coast Guard, best friends driven apart in the fight to be the government's star witness. In 1988, Harlan Salmona and Robert Gosnell were indicted as members of a pot-smuggling ring in south Florida. Federal agents promised Salmona his freedom if he would cooperate; to Gosnell, they offered a reduced sentence. Salmona said no. But Gosnell agreed to testify against the other guys in the ring.

After Salmona found out Gosnell was talking, he decided to flip too. By then, the feds weren't promising freedom anymore, because they had found out what they wanted to know from Gosnell. Desperate, Salmona agreed to cooperate with the feds.

Then Salmona started wondering, like Cain, why the Lord liked Abel so much. He got a gun and shot Gosnell dead, apparently so he could be the star witness. When the agents asked Salmona what happened, he lied like Cain. *Am I my brother's keeper?* But when they found the gun behind his refrigerator, he confessed to the crime.

And what did the government do with Salmona? God protected Cain, didn't he? Instead of putting Salmona in the electric chair, prosecutors agreed to a life sentence, which would make him eligible for clemency in 25 years. Then the smuggler-murderer slipped again. When Salmona took the stand against a fellow Coast Guardsman, the defendant was acquitted. Salmona admitted to perjuring himself in the trial but still claims the guy was dirty.

Despite their questionable motivation and veracity, informants like Harlan Salmona are an increasingly important weapon in the drug war. The number of drug offenders who become informants has skyrocketed in recent years. "I was in the U.S. attorney's office annex in Miami today," says Ft. Lauderdale criminal defender Charles Wishna, "and the defendants were tripping all over each other. The assistants and the agents have to fight for the availability of rooms in which to debrief these guys."

U.S. Department of Justice spokesman Doug Tillett says an increase in federal drug cases during the last few years has caused a rise in the number of defendants who plead each year. Since 1987, he says, "about 80 percent of defendants charged with controlled-substance offenses have pleaded rather than gone to trial." Federal law-enforcement budgets reflect the increased use of informants. In 1989, the U.S. government paid a record $63 million to confidential informers, up from $35 million in 1987.

The informant boom can be traced to federal drug laws, a Byzantine code of penalties and rewards that gives prosecutors the leverage to coerce defendants into becoming informants. Revising these laws is the only way to end the snitch epidemic.

Ask almost anyone convicted on drug charges, and he'll tell you an informant brought him down—usually another drug offender who valued his freedom more than his codefendant's. When the heat is on, the incentive to snitch is intense: An informer-witness who testifies can shave years off his sentence, and a confidential informant who goes undercover can postpone indictment and collect a commission on every bust he sets up.

Yet not every defendant is offered the same incentives for cooperating or the same penalties for clamming up. Although Congress has attempted in recent years to reduce disparity in punishment, some federal legislation has had the opposite effect, creating a glut of jailed martyrs and spurious informants. Too often, prosecutors recommend lenient sentences for kingpins who cooperate, while throwing the book at mules and middlemen who won't talk or have nothing to tell.

Take Randy Lanier, a convicted marijuana smuggler now serving a life sentence without the possibility of parole. When Lanier was named Indy 500 Rookie of the Year in 1986, his record was clean. Two years later, he was busted for running pot into Florida. The government promised to reduce his sentence to 22 years if he gave up everyone he knew and forfeited all his assets.

Lanier admitted he was a distributor but refused to plead guilty to the kingpin charges, which carried a life sentence. "I always thought mandatory life for marijuana was an injustice," he says. But the jury convicted him, and now his children are growing up without him. Although Lanier says the option to cooperate still holds, he hasn't budged. "It comes down to selfishness and greed," he says. "Should I do it to help myself? Does it matter if I hurt 20 other people?"

Still, Lanier gets flustered when he remembers what the Federal Bureau of Investigation did for the informants who testified against him. "They was taking them to hotels, getting

them rooms, letting them have sex with their [the informants'] wives!" he claims. "This one guy, my accountant, was flying up lobsters and stone crabs and eating them with his wife in the hotel room, the week before my trial started. Do they appease them or what?" (The FBI declined to comment on Lanier's account.)

Under the current system, many cannabis smugglers who refuse to cooperate are serving sentences ranging from 25 years to life. Their reluctance to snitch is a rare impediment in a milieu where drug dealers routinely inform and go free.

For example, when Chinatown gangster Phillip Han got picked up on a heroin charge in 1987, he flipped within an hour of his arrest. Three years later, Han had helped reel in more than 30 arrests and $3 million in seized assets. In return, Han's case was dismissed, and he collected $300,000 in commissions, plus $100,000 for information and expenses—a windfall the Drug Enforcement Administration in New York called "high, but not unusual." After all, some informants become millionaires.

The perpetrators of today's snitch culture can be found on Capitol Hill, pursuing their vision of a drug-free America. In the 1980s, Congress passed a dragnet of laws that have channeled record numbers of drug offenders into federal jails. In addition to the Anti-Drug Abuse acts of 1986 and 1988, these included a 1984 amendment to the Asset Forfeiture Act, the New Federal Sentencing Guidelines of 1987, and a steady hail of mandatory minimum sentences for drug offenses.

In the early 1980s, DEA officials complained that they were short on PE/PI ("pee-pie")—money with which to Purchase Evidence and Pay for Information. In response, Congress amended the forfeiture laws so the DEA could sell off seized assets, then use the proceeds for PE/PI. Today, confidential informants like Phillip Han collect a commission on each bust, and the feds are employing them in record numbers. Informants translate into convictions—the body count of the drug war.

Convictions have soared under the new sentencing guidelines and mandatory minimum sentences. Between 1988 and 1991, the number of drug offenders serving time in federal prisons more than doubled, from 16,385 to 32,614. By 1995, the number is expected to rise to about 68,000, or 70 percent of the federal prison population. With the new laws, the feds can work miracles along the lines of Jesus feeding a crowd with five loaves and two fish. The trick is to take a single conviction and, after debriefing the defendant, turn it into a flow of indictments, seized assets, and trial publicity.

Here's how it works. Traditionally, a defendant had two choices: either plead guilty, bargaining for a shorter sentence, or go to trial, risking the maximum if convicted. In 1987, the new sentencing guidelines changed the terms of a simple plea bargain to the more elaborate "plead-and-roll" routine. Now, the defendant is told he can't plead guilty unless he cooperates.

Mandatory minimums are used to scare drug offenders. Under these laws, prosecutors assign sentences in 5-, 10-, and 20-year increments, according to a rigid formula based on the weight of the drug plus any substance mixed with it or medium containing it. Once assigned, the sentence is intractable. The judge can't reduce it, and parole is out of the question. For thousands of drug offenders facing jail every year, cooperation is the only way out.

The conspiracy laws also help spawn informants. Labeling a drug operation a conspiracy makes it easy for prosecutors to indict a grand sweep of codefendants. Scant proof is required to bring an indictment, often no more than hearsay. But the government doesn't intend to try every co-conspirator it indicts; the goal is to get them talking.

Given a pool of defendants, a few are guaranteed to testify, whether it's the underlings or the bosses who roll over. The downside comes when a minor defendant doesn't know enough to be useful and is left open to a harsh sentence. "Sometimes the government doesn't need the little people to get the big people," says Miami defense attorney Fred Schwartz, "because they already have them cold."

The law says you can't punish silence, but little people who are ignorant of the scope of the conspiracy often land in jail, while the big shots go free. A 1989 case in Alexandria, Virginia, highlights the imbalance. Tracy Fells, a high school football star, was indicted as the head of a crack ring. Fells wouldn't talk, and he caught 20 years. But Fells's top lieutenant cooperated right away, and his mandatory 10 years came down to four. Meanwhile, three minor players who said nothing were sentenced to 12½ years apiece.

Some defendants volunteer to be informants, but more often than not, the government has ways of making them talk—all variations on the carrot-and-stick approach. The best time to flip a suspect is before he's indicted, when the

The downside comes when a minor defendant doesn't know enough to be useful. The law says you can't punish silence, but litttle people who are ignorant of the scope of the conspiracy often land in jail, while the big shots go free.

Like birds assembling a nest, jailhouse informants fashion a story out of any available source: newspaper clippings, police tips, and legal documents ripped off from fellow prisoners.

case agent or prosecutor can make a deal without a lawyer present. At that point, the promise and threat are obvious: 1) We'll drop the indictment if you cooperate, or 2) we'll indict you if you don't.

After an indictment comes down, the options increase. If the feds have ample evidence, they can 1) stick to a single indictment if you cooperate, or 2) indict you on more cases if you don't. If there's property involved, 1) you keep the assets if you cooperate, or 2) forfeit them if you don't. The government's ace card is the sentence itself: 1) We'll let you out sooner if you cooperate, or 2) we'll throw away the key if you don't.

When Richard Stratton was busted for running a hash-smuggling ring in 1982, the DEA was hoping that he would link novelist Norman Mailer to the operation. (Mailer has denied any involvement.) The DEA was so hot to indict Mailer, Stratton recalls, that "if I cooperated, they offered to let me keep my ranch in Texas, which they thought was worth 3½ million."

Stratton refused to cooperate. At sentencing, the judge gave him 25 years and indicated that the harsh sentence was to spite him for silence. But enhancing a sentence to punish silence is technically forbidden, and thanks to the judge's impropriety, Stratton is now a free man.

Even under pressure, most informants tell the truth; moreover, most prosecutors conscientiously review informants' evidence before presenting it in court. But all too often, informants simply can't be trusted. When prosecutors lay out the spectrum of rewards and punishments, the temptation to lie is too great. It's not unusual for informants to be bullshit artists, encouraged by prosecutors who are eager to make the case.

The case of Leslie White is a classic example of what an informer can get away with when prosecutors like his story. For years, White was just another snitch in L.A. When he wasn't in jail, he would be testifying at a murder trial, recounting a suspect's confession. He'd testify, get out, commit a crime, go back in, testify, get out, and so on.

That was the drill until 1988, when White confessed he'd been making it up all along. His confession exposed a huge snitch operation in the Los Angeles County Jail. Every time the snitches heard about a new crime, they scrambled to be the star witness. Like birds assembling a nest, jailhouse snitches fashion a story out of any available material: news clippings, police tips, legal documents ripped off from other prisoners.

White was a master of the fabricated confession. His usual technique was to ask a newcomer, "What are you in for?" When one inmate told him, "They're trying to say I shot one of my homeboys," White informed the district attorney, "He told me, 'I killed my homeboy.' "

White's other trick was to assume a false identity. He'd call local authorities on the phone, identifying himself as a sergeant or a deputy D.A. In no time, he could report a murder case down to the last detail—then turn around and pin it on the government's suspect.

Almost invariably, the people White fingered would be convicted. After White confessed to perjuring himself in 12 separate cases, the Los Angeles district attorney's office launched a review of 10 years of murder convictions involving informants. In 1989, California passed a law requiring that juries be warned to view testimony from a jailhouse snitch "with caution and close scrutiny."

Last February, former L.A. County Jail inmate Sidney Storch was indicted on perjury charges. Storch had testified as a prosecution witness in eight cases during the 1980s. In one case, he helped put an accused murderer in jail for life by reporting incriminating comments the man supposedly made in jail. In return for his testimony, Storch, who had been facing five forgery cases involving $44,000, served less than eight months. After Storch's indictment, White told the *Los Angeles Times* he expected to be indicted for perjury as well.

The so-called professionals among snitches are confidential informers, suspects who avoid indictment by ratting on fellow criminals. The C.I. leads a double life, buying and selling drugs while reporting frequently to a control agent. As long as a C.I.'s information is good, the controller shields him from prosecution. If the C.I. gets picked up by another law-enforcement agency, he has only to call his controller, and he's free.

While agencies like the DEA, the U.S. Customs Service, and the FBI have traditionally employed informers, the PE/PI budget is growing swiftly. The amount of money spent on informers by the federal government nearly doubled between 1987 and 1989. Asset seizures accounted for more than a third of the spending, and the rest of it came from taxpayers. For every bust, the law allows DEA agents to pay the informer a commission of up to 25 percent of

seized assets, with a ceiling of $250,000.

According to court records, that's how confidential informer "David S." has earned more than $1.2 million since 1987, when he was picked up for importing marijuana. "I have to fly tens of thousands of miles every year," he told *Atlanta Constitution* reporter Mark Curriden, "developing friends, making business deals, and networking." His job is to sell marijuana to unsuspecting buyers, and it's a good living: At last count, David owned four homes and a fleet of luxury cars.

Another conspicuously wealthy snitch is J.J. White. When White got out of prison in 1984, he testified that he was broke. Within a few years, the busy informer owned a ranch in Florida (no mortgage), a new mobile home, two airplanes, a Jaguar XKE he paid for in cash, and a $10,000 Rolex so diamond-studded that almost no one could read the time on it. In 1988, White and his wife testified that they earned $35,000 a year from informing—but bank records indicated he was worth several million. An assistant U.S. attorney in Miami told Curriden, "As far as we know, he may have inherited the money." (Not long ago, White admitted to using cocaine on the job, and Florida agents dropped him.)

When a C.I. such as White fingers someone on a drug charge, it's almost impossible to prove entrapment. Prosecutors need only establish that 1) the snitch was not a paid agent or 2) the defendant was "predisposed" to commit the crime. The following state cases illustrate how easily those conditions can be met.

In 1988, Michael Wright, a DEA informant in Atlanta, turned in Alan Strohbert and William Threatt. According to them, he pulled a gun, corralled them into his apartment, and told them to set up a speed lab, using chemicals he had on hand. Then Wright contacted the police and gave them permission to search his apartment, whereupon all three men were arrested. Threatt pleaded guilty, and Strohbert was convicted.

Strohbert appealed on grounds of entrapment. But despite Threatt's having corroborated his account, Strohbert lost the appeal. According to the DEA, the agency had dropped Wright three weeks before the bust, because he was still dealing drugs. The agents hadn't told Wright the bad news yet, but their story persuaded the appeals judge to rule out entrapment. (Wright hanged himself in jail.)

A 1989 case in Indiana shows how slippery "predisposition" can be. At a friend's house, William Gilley Jr. met an undercover agent who was looking to score LSD. Gilley volunteered that he knew where to find methamphetamine, and the narc placed an order. Three times over the next week, Gilley relayed several grams from his source to the narc, in the presence of a confidential informant.

After the jury labeled Gilley a dealer and sent him to jail, he claimed entrapment because he had no record of dealing drugs. But the Indiana Supreme Court ruled that Gilley was predisposed because, when the narc approached him, he had a source, he was willing to act as a middleman, and he "spoke the language" of dealers.

Prosecutors will tell you they need informants to build drug cases, and they're right. It's in the nature of victimless crimes that complainants do not come forward and witnesses rarely volunteer. But short of ending the drug war, reforms are available that would help correct the overzealous and unscrupulous use of informants.

In its August 1991 report to Congress, the U.S. Sentencing Commission concluded that mandatory minimum sentences are racially discriminatory, that they create unwarranted sentencing disparity, and that the new sentencing guidelines alone could ensure fairness. The first response to the snitch epidemic should be to repeal mandatory minimums.

Second, asset seizures are a source of both pressure on suspects and rewards for informants. Congress should make it harder for law-enforcement officials to take property by eliminating pretrial seizures and raising the burden of proof for forfeiture. Third, Congress should require that federal jurors be educated about entrapment and explicitly informed of the rewards a snitch stands to gain for his testimony.

Fourth, Congress should scrutinize asset-forfeiture budgets and reduce C.I. commissions. Finally, top managers should be appointed in U.S. attorney's offices and police departments to oversee the people who handle informants. Without these reforms, prosecutors will continue to undermine justice with a carrot and stick. ■

Cynthia Cotts is a New York-based writer specializing in drug policy.

For every bust, the law allows the DEA to pay the informer a commission of up to 25 percent of seized assets, with a ceiling of $250,000. Some career informants have become millionaires.

TOP CATS

BY DEBORAH HALLBERG

Score one for the lowly corporate shareholder.

After years of watching top executives collect fat pay raises and multimillion-dollar bonuses bearing little or no relation to profits, shareholders were finally able to convince the Securities and Exchange Commission that enough is enough. In February, with public outrage reaching the boiling point, the SEC promised shareholders a greater say in determining how much executives are paid.

The ruling is a major victory for America's 51 million shareholders. For the first time, the owners of public companies will have the right to vote on specific pay proposals. Although the proposals won't be binding (by law, only a vote by corporate directors is binding), their very presence on a proxy ballot will send a forceful message to companies that it's time to curb the excesses. And while boards of directors will be free to ignore such messages, chances are they won't—unless they want to risk public exposure and embarrassment.

But, promising though the ruling is, some shareholder groups think it doesn't go far enough.

"This whole executive pay issue is just a symptom of a much larger infection we have in corporate America—the lack of accountability," says Ralph Whitworth, president of United Shareholders Association. "It's the smoking gun, if you will. These executives...have virtual autonomy over their own private fiefdoms."

Indeed, the top echelon of the corporate world has long enjoyed a freedom from scrutiny that few people in the public arena have. Shareholders are generally powerless to curb that freedom.

In theory, shareholders aren't powerless at all. If you ask corporate lawyers and executives about corporate accountability, you'll get a nice tidy dissertation on how shareholders elect a board of directors, which, in turn, selects and supervises a company's top officers and can fire them if they fail to perform.

"People say this so often it has become like a mantra," says Robert Monks, president of Institutional Shareholder Partners Inc. and co-author of a new book, *Power and Accountability*. "The fact is, it's untrue, and everyone knows it's untrue."

Most corporate boardrooms operate like exclusive private clubs, with the chief executive officer serving as membership director. You need an invitation to join.

What is true? Simply this: Management appoints the board members and asks shareholders to approve its choices. The vote is a formality only; it has little real meaning because shareholders are not presented with a choice of candidates. The outcome of the proxy election is thus preordained.

Anyone who hopes to challenge management's monopoly—and give shareholders a real choice—must launch a proxy fight. But such battles can be expensive (one at Lockheed Corp. cost more than $10 million), time-consuming, and difficult, demanding extensive SEC filings and a lengthy SEC review. And mutineers must be prepared for a hostile counterattack from management.

Last spring, Monks mounted such a challenge, running for a seat on the board of Sears. Monks is no gadfly: A Harvard Law School graduate, he headed a money-management firm in Boston, twice ran for the U.S. Senate, and served as a Labor Department official under President Reagan. Monks says he decided to target Sears because of its financial troubles—earnings in its U.S. retail division had plummeted to $47 million, less than 6 percent of its 1984 peak—and because when *Fortune* asked corporate executives to rank the top 500 companies according to their respect for each, Sears finished a miserable 497.

Sears reacted to the challenge with predictable vigor. The company sued to block access to its shareholder list, shrank its board from 15 members to 10, and altogether spent more than $5 million of shareholder funds on the fight, arguing that Monks's presence on the board would prevent it from boosting its profits. Although Monks managed to win over some of Sears's largest institutional holders, he fell short of the 25 percent needed to win.

"It's like a club," Monks says soberly. "You have to be invited to join."

In fact, most corporate boardrooms do operate like exclusive private clubs, with the chief executive officer serving as membership director. He stacks his board with friendly colleagues who are unlikely to challenge him, and he makes sure they are pampered and well-paid.

Consider the following:

- Two-thirds of board seats are filled by the chief executives of other companies. Take Ford Motor Co., for example. Six of its 17 board seats are filled by the CEOs of major corporations: Coca-Cola, Hallmark Cards, Wells Fargo & Co., Digital Equipment Co., Union Pacific Corp., and Nabisco Biscuit, a division of RJR-Nabisco. Of the remaining 11 seats, company officers fill eight.
- People from outside the corporate world fill only 7 percent of corporate board seats. A close look, though, reveals that many of these directors have strong ties to the company they direct—as attorneys, consultants, and suppliers of goods and services.
- Directors earn handsome fees—in

1990 the average total director's pay at the top 100 companies was $45,650—for what is seldom more than a few weeks' worth of work a year. Many directors continue to collect as much as 60 percent of their fee for 10 years after retirement. Benefits such as life and health insurance are routine, while stock options—the "incentive pay" that executives routinely get—are increasingly used to spur directors on, too.

• Companies treat directors to lavish perks. At G.M. and Ford, directors enjoy free use of new cars; American Airlines and United Airlines offer directors free unlimited first-class travel.

Is it any wonder, given this system of "I'll scratch your back if you scratch mine," that corporate salaries are out of whack with profits, that such protections as golden parachutes and poison pills go unchallenged, and that executives at lackluster companies seldom lose their jobs?

Changing this system of entrenchment won't be easy. Corporate executives wield tremendous power and when threatened go on the offensive. Last summer, for example, when the SEC announced it was mulling new rules to loosen restrictions on shareholder communication, the Business Roundtable, a group of the top 200 CEOs, met privately with Bush administration officials in hope of preventing enactment. In the following few weeks, the SEC received hundreds of letters from Roundtable companies denouncing the plan. There are signs, too, that the Roundtable is preparing for a major showdown on the executive-pay issue.

Nevertheless, inroads are being made. For one thing, the public furor over runaway executive pay has focused an unusual amount of attention on the issue, pushing it into the political arena. As a result, Congress is considering several bills on the matter, including one by Sen. Carl Levin (D-Mich.) to give shareholders the power to rewrite a company's pay policies and one by Rep. Martin O. Sabo (D-Minn.) to essentially cap top-level pay at 25 times that of the lowest-paid worker.

Neither bill, however, fully attacks the underlying lack of accountability in the corporate system, nor do they go far enough to restore the balance of power between company owners and their paid managers. And the Sabo legislation, particularly, robs shareholders of control—by forbidding shareholders who do want to reward an executive for a job well done from making that decision.

What the bills do accomplish, however, is to put pressure on the SEC to act quickly. Since the issue erupted last fall, the SEC has taken several steps to restrain executive power. In its February announcement, the agency proposed rule changes that would force companies to spell out on their proxy statements exactly what top executives make—no more hiding such information under pages of obfuscating legalese. If the SEC adopts the changes, companies would also have to explain to shareholders what performance goals must be met before top managers can earn incentive pay.

Meanwhile, a number of shareholders' groups and institutional investors are pushing the SEC to embrace sweeping reforms. The California Public Employee Retirement System (CALPERS), the nation's largest public fund, is calling for 48 changes in the proxy process. Among the suggestions: Give shareholders greater access to the company's proxy so they can nominate candidates, make the shareholder list available upon demand, and require confidential proxy voting.

"The rules were written back in the days when institutions were not major holders," says Kayla Gilliam, assistant general counsel for CALPERS. "It's like fitting square pegs in round holes: They no longer match with reality."

However it shapes up, the battle between shareholders and managers is far from over. And it is likely to get uglier as shareholders claim more victories. That the battle had to be waged at all should serve as a reminder to those who would seek a high-level corporate position: Despite the fancy pay, perks, and power, they're still only hired help.

Deborah Hallberg is a San Francisco-based writer.

"The point is not that plundering the rich is immoral, but that it doesn't pay, doesn't reduce but increases inequality..."

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by D. G. Lesvic

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PUT TO THE TEST

BY MICHAEL FUMENTO

In January, just a month before the opening of the Winter Olympics, the talk was suddenly about the Summer Olympics, specifically the Australian basketball team's expressed fear that its members could be infected with the AIDS virus, HIV, on the court by Olympic hopeful Earvin "Magic" Johnson. After all, couldn't Johnson get cut on the court and his blood mix with the blood of an Aussie player who was also cut?

Yes, in theory, but the chance would be a small fraction of that of being killed in a car on the way to the game. This is merely the latest manifestation of the risk-free society as applied to AIDS, reflecting an obsession with farfetched means of transmission. The threat of death by AIDS is treated as somehow completely different from the threat of death by anything else.

Witness legislation introduced by Rep. William Dannemeyer (R-Calif.) and named for Kimberly Bergalis, who died last year of AIDS apparently contracted from her dentist. Shortly before her death, Bergalis testified on behalf of the bill. The legislation would require that doctors and other health-care workers be prohibited from doing invasive medical or dental procedures if they are infected. To determine if they are, such workers would be forced to undergo testing. The bill would also permit doctors to test persons for the AIDS virus without their consent.

Dannemeyer is in excellent company. But for the mandatory aspects, his bill isn't radically different from a Department of Health and Human Services proposal to require identification and testing of health-care workers who engage in invasive procedures and encourage hospitals to in turn encourage all admitted patients to be tested for the AIDS virus, a proposal endorsed by the American Medical Association.

To date, a grand total of five persons are known to have been infected through a health-care worker, Bergalis and four other patients of dentist David Acer. Are there others out there who have been infected through their health-care providers? Maybe, but if only five have been located, the number is assuredly small.

In a recent issue of *The New England Journal of Medicine*, two doctors calculated that the risk of getting AIDS from a doctor during an operation is 1 in 21 million for every hour of the operation, or about the same chance that a person will be in a fatal accident on the way to the hospital. Because of this tiny probability of infection and the even tinier probability that mass testing of health-care workers could lower it even a bit, many health-care-worker organizations, such as the California Medical Association, have told HHS they won't go along with its scheme.

Representatives of some medical associations have claimed that mandatory testing of health-care workers would cost a billion dollars a year. Even if the cost is only half that, as University of Southern California health economist Joel Hay calculates, it still illustrates a nice point. Do we really want to spend $500 million a year to prevent that one infection per 21 million operation hours when that is half the federal budget for heart disease, which kills over 750,000 Americans a year? And with over 40,000 new AIDS cases to be diagnosed this year, why are we considering spending such enormous sums on an attempt to prevent a handful of new infections?

Further, the federal Centers for Disease Control (CDC) now believe that some of Acer's patients may have been infected by a tool that the dentist failed to keep clean. This raises the possibility of an HIV-negative health-care worker nevertheless infecting patients. Indeed, patient-to-patient infection is common in African nations and other underdeveloped countries, and far more easily done, from a strictly mechanical point of view, than health-care-worker-to-patient infection. But the practices that allow such transmission are already forbidden in this country.

As to protecting uninfected health-care workers, despite what a vocal few may say, they don't need whatever protection Dannemeyer or HHS has purported to give them. To date, the CDC list about 60 health-care workers who appear to have gotten AIDS through their jobs. That is out of over 6 million in the country.

In a recent mass testing of 3,420 orthopedic surgeons, only two proved positive for HIV, and both of those admitted to "nonoccupational risk factors," presumably homosexual intercourse. (That this survey was of orthopedic surgeons is interesting since it is an orthopedic surgeon, Dr. Lorraine Day, formerly of San Francisco General Hospital, who has been the strongest proponent among physicians for mandatory testing of patients and who claimed that if she had continued to conduct surgery, her infec-

tion would have been virtually guaranteed.)

A far better substitute to testing patients is simply to behave as if all patients are infected and to take what the CDC call "universal precautions." Not only will following the CDC guidelines reduce a low chance of HIV infection to almost zero, they apparently have also already been a factor in reducing transmission of other diseases—diseases far more readily passed than HIV—to health-care workers.

As to the costs of testing patients, this would depend on how many institutions complied and how many patients complied, but with about 25 million hospital admissions a year at about $50 a test, the cost for such screening would approximate the amount the federal government will spend this year on cancer, a disease that will strike over 1 million of us in the next 12 months and will kill half that number. Testing proponents will argue that the $50 cost is inflated, including as it does the cost not only of the testing procedure but also of counseling. But providing counseling when someone is undergoing testing for a terrible, fatal disease, and especially when the patient has been diagnosed as positive, should hardly be considered a luxury in this country.

In support of his proposal, Health and Human Services Assistant Secretary James Mason says massive screening has traditionally been used to detect sexually transmitted diseases, especially syphilis. True enough. But as Harvard doctor and historian Allan Brandt points out, it was also of little use. What ended endemic syphilis in this country wasn't screening, but penicillin. This brings up a major distinction between syphilis and HIV infection. Detecting the first was the essential equivalent of curing it. Detecting HIV, alas, has no such result.

But this is where Mason makes his second point. HIV can now be treated, he says. Early detection offers infected persons the possibility to obtain this treatment.

However, at best, AZT prophylaxis may allow an HIV-infected person to delay full-blown AIDS by a year or two, and a study recently published in *The New England Journal of Medicine* found that such people, once they do get full-blown AIDS, will die more quickly than those who haven't used AZT prohylaxis. Delaying symptoms may mean a lot to someone suffering from HIV infection, but consider the difference between that and a screening program for any number of other diseases, such as breast cancer or prostate cancer, where an early diagnosis generally means saving the person's life. Why doesn't HHS propose screening all hospital patients over 40 for those diseases, when the number of lives saved would be much higher and the cost tremendously lower? Why, because HHS doesn't feel the pressure to do something,

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AIDS

anything, about those diseases.

And how can Dannemeyer and other conservatives chide liberals for fearing a less than one in a million chance of dying from pesticide residues on vegetables and at the same time try to eliminate all possibility of accidental AIDS infection? We cannot obtain a risk-free world, but the attempt to obtain one may prove dear indeed.

It is understandable that lawmakers would think, or at least posture, that laws can prevent the spread of AIDS; that Kimberly Bergalis would be angry at the lot she drew and would support legislation intended to stop others from drawing it; that the American public, more familiar with the Bergalis case than with the low magnitude of the risk involved in transmission of HIV between health-care workers and patients, would be frightened; and that HHS and the AMA would react to political pressures to advocate measures that their officials will tell you in private are ridiculous. Laws and policies stemming from these motivations and beliefs would also be understandable. But they would still be wrong.

The main problem this country has had in dealing with AIDS, with all aspects of the disease, has been its lack of perspective. Witness how the media threw 10 years of AIDS statistics overboard and declared that at last the heterosexual epidemic was upon us when Magic Johnson announced he was HIV-positive. The press simply assumed he was telling the truth about his sexual history. But a man with $12 million yearly in endorsements might want to deny his bisexuality. And assuming he is a heterosexual, Johnson's sex life is still far from typical.

AIDS is a disease within a panoply of diseases, a risk within a panoply of risks, a user of scarce resources within a panoply of other urgent needs. If we are to deal with it effectively, objectivity and rationality must prevail over anger and panic.

Michael Fumento is a science and economics writer with Investor's Daily *in Los Angeles and the author of* The Myth of Heterosexual AIDS *(New Republic/ Basic Books).*

THE SOCRATES OPTION

BY THOMAS SZASZ

Before he was sentenced to 15 consecutive life terms in prison last February, Jeffrey L. Dahmer told Milwaukee County Circuit Judge Laurence C. Gram Jr. that he had gained insight into his crimes. "I wanted to find out just what it was that caused me to be so bad and evil," he said, groping to explain why he had tortured, murdered, and dismembered 15 boys and young men. "The doctors have told me about my sickness, and now I have some peace."

Dahmer's trial highlights our deep-seated unwillingness to face the basic facts of human nature and our eagerness instead to conceal the moral agency and personal responsibility of evildoers behind an impenetrable screen of legal fictions and literalized medical metaphors. Dahmer pleaded both guilty and insane. This is a contradiction in terms. Since at least the 18th century in English and American legal usage, to label a person "insane" has meant that he lacks *mens rea*, the guilty mind, which is what distinguishes an impersonal event, such as a hurricane, that results in injury or death from a personal act that causes injury or death and that may, therefore, constitute a criminal offense.

Michael Moore, professor of law at the University of Pennsylvania and a recognized authority on mental health and the law, puts it this way: "Since mental illness negates our assumptions of rationality, we do not hold the mentally ill responsible....being unable to regard them as fully rational beings, we cannot affirm the essential condition to viewing them as moral agents to begin with."

This rationale explains why the traditional insanity plea is framed as "not guilty by reason of insanity." In other words, lawyers and psychiatrists view insanity—at least when it suits their purposes—as a condition that annuls personal responsibility. This model of insanity rests on an analogy with the following scenario: Unbeknown to himself or anyone else, a previously healthy person suffers from a developing brain tumor. He has a seizure while standing at the top of a stairway, collapses, and knocks down an elderly person standing next to him, who rolls down the steps, hits his head, and dies. Although the person who suffered the seizure has, as a physical agent, caused the death of another, he is not criminally liable for any offense whatsoever.

Jeffrey Dahmer pleaded both guilty and insane—by traditional legal principles, a contradiction in terms.

The plea of "guilty but insane" is thus a strategic, legal-psychiatric fiction whose aim is to secure the incarceration of the defendant in a building called a "hospital" rather than in one called a "prison." Indeed, Dahmer's attorney emphasized that he did not seek freedom for his client, only storage in a mental hospital where he could be "studied"—as if Dahmer were a material object rather than a moral agent. Most Americans do not seem bothered by the fact that we live in a society in which physicians have state-delegated powers to incarcerate murderers in "hospitals" and to "treat" them, against their will, for nonexistent diseases.

Before his sentencing, Dahmer told the judge, "I didn't ever want freedom. Frankly, I wanted death for myself." If ever there was doubt about Dahmer's sanity, this statement should dispel it. Since each of us has but one life, sentencing Dahmer to 15 life sentences is still another legal fiction, one that we seem to prefer to sentencing him to death (Wisconsin has no death penalty) or simply to life without parole. And we prefer it as well to giving him the option of dying by his own hand.

Many people now indulge in the effortless exercise of enhancing their self-esteem by opposing the death penalty. Because many people now want to impose this sentence on drug dealers rather than on real criminals, I usually avoid debating the issue. But I well remember engaging in one such debate with a young woman who objected to executing criminals because, she said, she could not bring herself to carry out the execution. When I reminded her of Socrates' sentence, she changed the subject.

I submit that the Hemlock Society and "death doctor" Jack Kevorkian are side shows in our shadowboxing with the true contours of our own moral agency, whose ultimate symbol is the right to suicide—not for the terminally ill, not with the assistance of doctors, but in principle. A prisoner has a right to a lawyer, a Bible, and visits by relatives, among other things. If we overcame our phobia about drugs and suicide, we could add to this list the right to a bottle of barbiturates for every prisoner who requests it (or perhaps only for those sentenced to life). Instead, we put prisoners such as Dahmer on "suicide watch" and interpret their own Lady Macbethian self-destruction as evidence of "untreated mental illness."

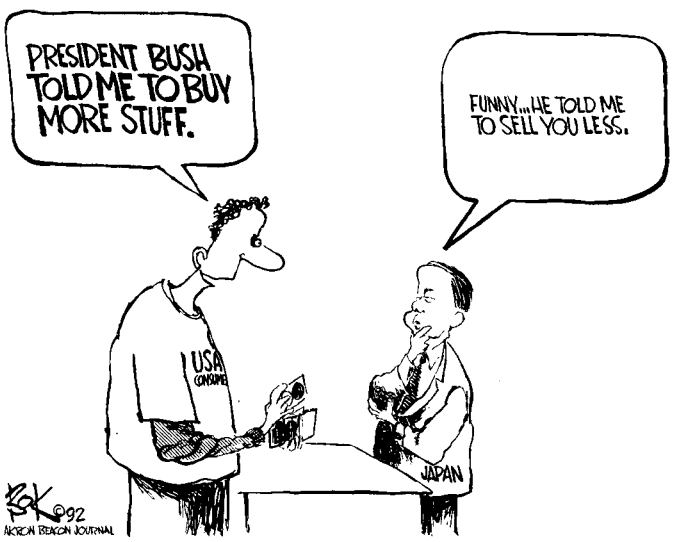
We have a right to deprive persons convicted of serious offenses of liberty but not of dignity. For convicts, the Socrates Option would restore some of their lost dignity. For the rest of us, it would help dispel some of the psychiatric fog in which we have shrouded our legal system.

Contributing Editor Thomas Szasz, professor of psychiatry emeritus at the SUNY Health Science Center in Syracuse, is the author most recently of Our Right to Drugs: The Case for a Free Market *(forthcoming from Praeger).*

THE NEW VOODOO

BY DANIEL J. MITCHELL

President Bush's weak finish in successive primaries may finally make clear to him what has been obvious to most observers for months: Voters are dissatisfied with his handling of the economy. When Bush was elected in 1988, most people thought they were getting Ronald Reagan II and that the record peacetime economic expansion that started under Reagan would continue. But the country is now midway through the second year of a recession. What happened? Have Reagan's economic policies stopped working?



No. Bush has abandoned them. Reagan's economic program, even if imperfectly implemented, was clear: Cut taxes, restrain government spending, and roll back government regulations. It did not take Bush long to reverse course. Bush's budget agreement gave us the largest tax increase in U.S. history; federal spending has grown faster under Bush than under any president since Franklin Roosevelt; and his cabinet appointees have enacted thousands of new and expensive regulations. The American people have been saddled with Richard Nixon II, a president who talks conservative economics but enacts leftist programs.

Bush's proposed fiscal 1993 budget completes his abandonment of the Reagan economic program by resuscitating the ideas of economist John Maynard Keynes from the graveyard of discarded theories. Interwoven throughout Bush's 1993 budget are proposals based upon the discredited Keynesian theory that stimulating aggregate demand by boosting government and consumer spending will restore economic growth.

Keynesian theory was the driving force in economic policy for much of the post-WWII era. Democrats, in particular, liked the theory because it gave them a reason to expand government programs.

Republicans never challenged the prevailing Keynesian orthodoxy. They were content to complain about budget deficits and make speeches about big government. Lacking an alternative economic theory, however, their efforts to reduce government spending were stymied by Keynesian counterattacks that lower government outlays would reduce aggregate demand and retard economic growth. And since old-fashioned Republicans were deficit-phobes, the idea of tax cuts not matched by spending cuts was unthinkable. Indeed, Republicans opposed the tax-rate reductions proposed by President Kennedy.

But in the 1970s, cracks began to appear in the Keynesian foundation. Inflation and unemployment rose in unison, violating the Keynesian theorem that the two variables should travel in opposite directions and undermining Keynesian policy, which was based upon adjusting fiscal and monetary policies to bring down unemployment by increasing inflation and vice versa. Failure of this "Phillips Curve" trade-off opened the door to new economic approaches.

The Republican brainlock was broken by a small band of free-market-oriented congressional staffers who junked the Keynesian approach and explained how tax cuts would increase incentives to work, save, and invest, thus expanding the economy. Popularized by then-Rep. Jack Kemp of New York, this new approach (supply-side economics) eventually became the cornerstone of Reagan's economic-growth package.

Yet Bush has repudiated that legacy. His own "progrowth" package marks a dramatic return to '70s-style economics.

Explicitly Keynesian policies include administration actions to accelerate federal spending so it occurs earlier in the year. Along similar lines, the White House has proposed changes in tax withholding schedules to put more cash in consumers' pockets today at the expense of lower refunds next year. There is nothing wrong with this idea; taxpayers should not be making interest-free loans to Uncle Sam. But the claim that this change somehow will lead to greater economic activity is ludicrous.

The White House also has called for increased spending for domestic programs in future years, adopting the statist and Keynesian strategy of calling these outlays "investments" that will boost future growth. Taxpayers are supposed to believe that higher spending on education programs, Head Start, migrant health centers, family planning, foster care, the superconducting supercollider, the space station, mass-transit subsidies, public housing, and homelessness will promote economic growth. The White House rather conveniently neglected to provide any analysis explaining how these programs, which in the past have not even solved the problems for which they were allegedly created, much less stimulated the economy, are now supposed to encourage economic growth.

White House tax policies are almost as bad. Bush proposes, as a growth measure, increasing the personal exemption for children by $500 annually. Anything that allows taxpayers to keep more of their money is a good thing, and the tax burden on families is particularly devastating, but raising the exemption will do nothing for economic growth, since incentives to work, save, and invest remain unchanged. There is no real difference between this proposal and the openly Keynesian $50 tax rebate proposals floated in the '70s.

It appears that free-market supporters will have to go through the same process that occurred 15 years ago, convincing Republicans once again that Keynesianism is an economic and political disaster.

The administration's proposed investment tax allowance also fails the growth test. Under current law, a large amount of the money businesses spend on new investment is treated as taxable profit. The White House seems to realize this bizarre taxation of investment is bad for the economy and has proposed to increase the amount of investment spending a business can deduct from income. Unfortunately, Bush has reduced a sound idea to a fine-tuning budget gimmick by restricting the proposal to investments occurring this year. As a result, the long-term incentive to invest remains unchanged.

Bush's economic policy has been a disaster. Budget decisions are driven by Richard Darman, Bush's budget director and a career bureaucrat. Darman has turned back the clock for Republican economic policy, reducing the GOP to insincere speeches about big government, opposition to substantive tax cuts, and endless back-room dealing with congressional power barons.

The net result: Government has gotten bigger and will continue growing. Unfortunately, it appears that free-market supporters will have to re-invent the wheel, going through the same process that occurred 15 years ago to make Republicans, and some Democrats, realize that Keynesianism is an economic and political disaster. The 1980s showed that tax policies based upon increasing incentives work. There is no reason why similar policies won't work today.

Daniel J. Mitchell is the John M. Olin Senior Fellow in Political Economy at the Heritage Foundation.

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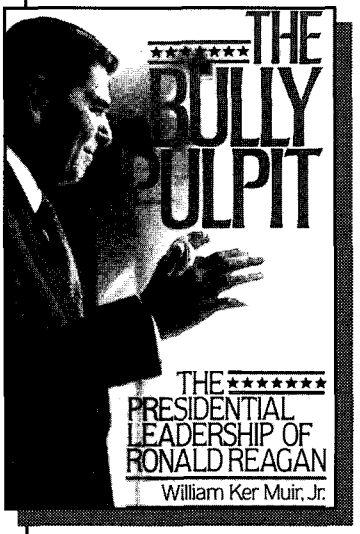

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DIRTY DEAL?

BY RHONA MAHONY

Many environmentalists are afraid of free trade. To those who are, free trade with Mexico sounds especially bad. They ask incredulously, "You want to merge our economy with the economy of a poor country, right next door, whose capital is choked by the worst air pollution in the world and whose border towns already churn out scandalous gobs of raw sewage and muck?"

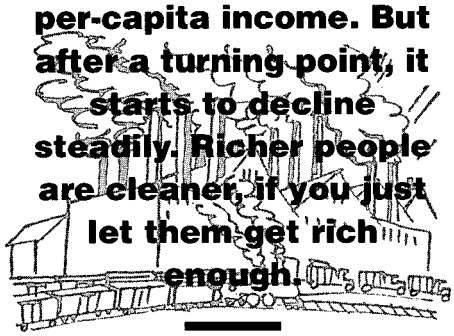
Two Princeton University economists, Gene Grossman and Alan Krueger, have an answer that should please both free-trade advocates and people who care about the environment. According to their recent study, it seems that the proposed North American Free Trade Agreement (NAFTA) could actually reduce pollution levels in Mexico. Moreover, instead of encouraging dirty U.S. industries to relocate south of the border, where enforcement of antipollution rules is weaker, NAFTA could actually prompt some of the dirtiest Mexican industries to move north, where they will have to be much more careful about their emissions.

Projecting the environmental impact of liberalizing a country's trade policy is a tricky business; several factors have to be considered. Environmentalists usually worry about only one: an increase in the total amount of economic activity. If an economy grows faster, they reason, it will spew out more pollution and degrade its natural environment more quickly. Not a pretty picture.

Two other major effects, though, could have an even greater impact on the environment than a change in the size of the economy. First, free trade changes the mix of things that a country produces. Historical experience and the principle of comparative advantage show that when two countries begin to trade more freely, each begins to specialize in what it can do more cost-effectively. Costa Rica exports bananas; France exports fancy wine. The new mixture of activities might pollute and chew up habitat less, more, or in different ways from the old mixture.

Second, liberalizing trade rules can bring in new technology. This point is crucial, and it's usually overlooked. Since most new production technology comes from rich countries, with tight rules and health-conscious citizens, it tends to be less polluting than old technology. Improvements in efficiency can also mean less pollution: When people switch from wood to electricity as a source of heat, for example, a major cause of urban pollution is eliminated. Even if the electricity is produced by a coal-burning plant, the resulting emissions can be controlled much more readily than the smoke from millions of chimneys.

The amount of pollution that a city pumps out initially rises with per-capita income. But after a turning point, it starts to decline steadily. Richer people are cleaner, if you just let them get rich enough.



In their analysis of how NAFTA might affect the environment, Grossman and Krueger considered all three of these factors. First they looked at how growth in the Mexican economy might affect its pollution levels. Very little solid information exists on this question.

But the World Health Organization has been running an air-pollution measurement project in roughly 50 cities around the world since 1977. It is part of the United Nations Global Environmental Monitoring System (GEMS). Because the measurements are done in a standardized, scientific way, pollution levels can be compared over time, both within countries and across countries. Grossman and Krueger are the first economists to analyze this data set.

The GEMS project has been measuring sulfur-dioxide concentrations, the amount of suspended particulate matter, and the amount of very fine dark particles, which we lay people call "smoke." According to the GEMS data, other things being equal, the level of sulphur dioxide and smoke that a city pumps out initially increases as per-capita income increases. Then, at about $5,000 per capita, a turning point is reached. As income rises past that point, the levels of sulfur dioxide and smoke fall, and keep on falling. The amount of heavy particles suspended in the air follows a similar pattern, except that it turns the corner and begins dropping at a much lower per-capita income.

The GEMS data say it loud and clear: Richer people are cleaner, if you just let them get rich enough. Mexico has never participated in GEMS, but we don't have any reason to think its experience would be very different from those of the countries in the project that were at the same level of economic development. Mexico's per-capita income is somewhere between $2,000 (according to the World Bank) and $4,900 (according to a 1991 study in *The Quarterly Journal of Economics* cited by Grossman and Krueger). If NAFTA helps Mexico grow more, it will push it into the zone where its citizens begin to demand cleaner air and where they can afford the technology that makes it possible.

Grossman and Krueger also tried to figure out how NAFTA might change the mix of things that Mexico produces. A careful look at the data turned up no evidence that companies move from the United States to Mexico in order to take advantage of weaker pollution abatement laws. In theory, it's possible, but other economists researching the question

around the world have reached the same conclusion. Compared to the other costs of production, the cost of pollution control is too small to prompt a move.

What does attract foreign companies to Mexico is its cheap labor. That's the key to understanding NAFTA's impact. The most likely outcome is that the treaty would stimulate growth in Mexican businesses that use large amounts of unskilled or low-skilled labor. That isn't surprising, since all the recent growth in Mexico's economy has been in the *maquiladora* sector, which is very labor intensive. (In *maquiladora* production, Mexican workers assemble American-made parts and ship the finished product back to the United States, which lets it in duty-free. In 1987, nearly 44 percent of all Mexican exports to the United States, by value, qualified as *maquiladora* products.) The flip side is that Canada and the United States will tend to specialize even more in activities that use capital and skilled workers intensively.

What will be the effect of this specialization on the environment? The good news is that the labor-intensive sectors that we would expect to see grow in Mexico—such as agriculture, textiles, clothing, shoes, and leather goods—happen to pollute less than the average Mexican business. They use less electricity and produce less toxic waste. The even better news is that NAFTA would probably cause a shift of heavy manufacturing, chemical production, and other capital- and electricity-intensive businesses to Canada and the United States, two countries with much stricter environmental protection laws.

By letting Mexicans specialize in what they are best at, NAFTA could make Mexico's environment cleaner. Anyone who's visited Mexico City or the border towns knows that's a high priority. By letting Mexicans get richer, NAFTA can also help increase their taste for clean water, blue sky, and frisky wildlife—and their ability to buy the technology that makes those good things possible.

Rhona Mahony is a free-lance writer in Stanford, California.

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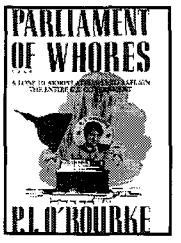

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Our Hegelian Future

BY PAUL H. WEAVER

The End of History and the Last Man, by Francis Fukuyama
New York: The Free Press, 418 pages, $24.95

In the summer of 1989, as the Soviet empire crumbled, the West was swept by a wave of media hype over a 15-page essay, "The End of History?," by an obscure State Department policy planner named Francis Fukuyama.

With communism out of the picture, the article argued, the last major alternative to democratic capitalism has collapsed, and the liberal idea of man as a free, rational, ethical, individual being has gained universal acceptance. In other words, Fukuyama noted, the world has entered the era that the 19th-century German philosopher G. W. F. Hegel had looked forward to as the end of history.

Hegel had believed that the appearance, 2,500 years ago in Athens, of an image of man as an end in himself set human society wheeling down an evolutionary road. Slowly the Athenian ideal won converts, displacing the tribalism and tyranny of man's prehistory. The advancing liberal ethic, Hegel had held, would eventually become dominant everywhere, bringing history, in effect, to its logical conclusion in a kind of steady state from which there would be no exit because, he had concluded, liberalism has an unmatched ability to satisfy the moral and psychological needs of the human species.

Life on a totally liberal planet will have its good and bad points, Fukuyama predicted. With illiberal ideologies in retreat, the level of organized beastliness in human affairs will likely decline. On the other hand, in the absence of great issues, life at history's end will be something of a bore, and meanwhile all the bad old forces, such as religious intolerance and aggressive nationalism, will continue to wreak havoc, albeit, Fukuyama thought, with slowly dwindling virulence.

The response to Fukuyama's thesis was a thunderous outpouring of fascination and cold feet.

Yes, said commentators at every point of the political spectrum, communism's collapse is a momentous event. But no, they continued, Fukuyama is crazy if he thinks it sets the stage for the final triumph of anything but their own political point of view.

Leftists argued that the collapse of Marxism-Leninism merely brings liberal democracy in the West that much closer to inevitable extinction. With the artificial stimulus of the Cold War gone, they said, capitalism will soon come a cropper on its natural tendency to create intolerable economic inequality. When it does, they said, people will have no choice but to turn to something like socialism.

Conservatives, wrapping the mantle of *realpolitik* tightly against the warm West wind, dismissed the notion that liberal ideas had won a decisive victory. Money and power and national interest, they declared, are what makes the world go 'round. After the breakup of the Soviet Union, they felt sure, the planet will remain a nasty and dangerous place, and the United States will have no alternative but to keep on bearing any burden and paying any price to assure the survival of the American way of life.

Even Hollywood got into the act. In the final scene of *Star Trek VI*, Captain Kirk puts down the wimps and wusses who see the future as "just the end of history." To the contrary, Kirk says, it's an "undiscovered country" that summons the species to glorious adventures yet to come.

Now, nearly three years after the Fukuyama flap, the Soviet Union has officially disappeared, and the 15-page essay has grown into a 400-page volume, *The End of History and the Last Man*. I exaggerate only a little when I say that it's hard to know which of these two is the happier or more important event.

This is a splendid book that explains where we've been, and maps the territory we inhabit now, in a way that will find spellbound readers everywhere. As amplified by the author's always-intelligent analysis and pleasantly conversational prose, the Fukuyama thesis turns out to be that rarest of modern occurrences, a media event that actually manages to illuminate events.

Fukuyama turned article into book, not by trying to add detail to his picture of the future, but by explaining in much greater depth why, in Hegel's analysis, liberal democracy ends up on top. This plunges him into political theory, from which he returns with the old-fashioned and highly persuasive notion that liberal ideals correspond uniquely well to basic human needs. Fukuyama's discussion of human psychology, and its relation to politics and economics, is the core of this book.

In the Anglo-Saxon version of liberalism, from which the American tradition stems, man is a creature mainly of material desires, and he's satisfied whenever his appetites are satisfied. To Hegel, by contrast, the core of human nature was a quality the ancient Greeks defined as *thymos*—spiritedness, the desire for recognition, self-esteem, and the need to create through work. Man's thymotic needs, Fukuyama argues, are what make individual freedom, equal citizenship, liberal democracy, and market capitalism so humanly satisfying and so superior to al-

ternative forms of social and political life.

Fukuyama's Hegelian version of liberalism defines a persuasive and needed alternative to the too-narrow economic viewpoint that dominates much libertarian and individualist thought in America today. It shows a way to think about freedom that preserves the political and social side of man while still affirming his free and individual nature, and that makes room for transactions among consenting adults without reducing everything in life to economics. It's a perspective that can explain, as some latter-day economic Lockianism cannot, why Chile or China aren't models to emulate—why authoritarian governments presiding over market economies aren't enough, and why people need constitutional democracy, the experience of citizenship, and a sense of a common destiny as well.

This is no mere theoretical issue. Much of what's amiss in America today reflects a confusion, and not only among classical liberals, as to the relationship between economics and politics. Fukuyama's Hegelian liberalism makes it clear, as the Anglo-Saxon type doesn't, what's wrong when business executives, in their pursuit of sales and profits, welcome government interventions in the market that they figure have no public merit but will help their companies' bottom lines. Similarly, it spotlights what's wrong with racial discrimination and other private actions aimed at creating advantages or disadvantages that aren't consistent with the thymotic aspect of individual rights.

Readers will find plenty to quibble with. Fukuyama generalizes a bit broadly. Liberal democracy may be ascendant, but it hasn't triumphed everywhere. While kaput in the former Warsaw Pact countries, Marxism is still the public philosophy of a billion Chinese, who hear "bourgeois capitalism" lambasted daily in official forums.

Moreover, while political fascism is dead, the economic part of fascism—that is, state management of key markets in the interest of private producer groups—is very much alive, not only in Japan, but in Europe, much of the Democratic and

Francis Fukuyama's liberalism takes account of the human need for recognition.

Republican parties, many big American corporations, and the Third World, among other places.

This book is also irritatingly complacent. Fukuyama is so fixated on the failures of Marxism that he ignores the mess in liberalism's own house—in the United States, for instance, a budget deficit that's headed for catastrophe, declining real per-capita wages, rising racial conflict, chronic trade-war fever, and the public's well-founded alienation from its leaders. These are not the negligible problems that Fukuyama, by his silence, implies.

Fukuyama is no Pollyanna about our liberal future, but some will object, as I do, that the anxieties he does define are misplaced. The book argues that the thymotic need for recognition often entails a need for superiority over others and deference from others, and it worries, with Nietzsche, that the end of history will be so egalitarian that this side of human nature will be frustrated, causing ambition to languish and creativity to wither. Judging from his unsympathetic remarks about black activism, feminism, curricular cultural pluralism, and the rest of the campus political correctness scene, Fukuyama also believes that such an egalitarian demolition job is well under way, and that the best among us, and in us, is already being stifled.

Fukuyama's neoconservatism is showing. He's trying to have his liberal democracy both ways—as a general claim to equal rights and equal recognition on the part of everyone, and as a personal claim to superiority over Marxists, feminists, and other ideological opponents.

The problem here is twofold. First, Fukuyama sees a moral equivalence between the thymotic desire for equal recognition and the thymotic urge for superiority. The classical liberals didn't, and we shouldn't either. Their solution—to deny the reality of the thymotic part of the soul, to insist that the human personality is just an economic consumption function, and thereby to attempt to banish issues of recognition from liberal society—was wrong. But it's possible to acknowledge *thymos* and to make the distinctions among its forms that can begin to translate a partly troublesome natural urge into a moral principle.

Alas, Fukuyama doesn't undertake this necessary labor. If he had, I doubt he'd have ended up so uncritically sympathetic to what he calls, in a nasty neologism, *megalothymos*. I also doubt he'd have dismissed as blithely as he does the complaints by blacks, feminists, and others that the university invidiously denies them certain forms of recognition that it accords to other groups. And not least, I doubt that he'd have failed as much as he does to take note of the free market and the free society generally as a means of resolving conflicting thymotic needs harmoniously.

But Fukuyama can't address these issues as long as he remains a neoconservative, that is, an oligarchist in democrat's clothing. So for him as for those on the left and right who were so quick to dismiss his otherwise brilliant thesis, the fall of Soviet Marxism ends up only confirming what he'd been saying all along, too. The difference between him and his critics is that what he's been saying, taken more seriously than he himself does, and pressed farther beyond the intellectual confines of Cold War–era debate than he does, gets you somewhere really interesting and politically valuable.

Contributing Editor Paul H. Weaver is a research fellow at the Hoover Institution.

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Greenhouse Science

BY DAVID A. LIPS

The Heated Debate: Greenhouse Predictions Versus Climate Reality
By Robert C. Balling Jr., San Francisco: Pacific Research Institute, 181 pages, $21.95

Carbon Dioxide and Global Change: Earth in Transition, by Sherwood B. Idso
Tempe, Ariz.: IBR Press, 292 pages, $19.95

Scientific Perspectives on the Greenhouse Problem, by Robert Jastrow, William Nierenberg, and Frederick Seitz, Ottawa, Ill.: The Marshall Press, 254 pages, $22.50

Global warming is often heralded as the gravest crisis facing the world. A recent trip to Borders, the largest book store in Indianapolis, failed to turn up a single statement in any book that global warming may not mean apocalypse. The store did have several books devoted exclusively or largely to global warming, and all contained rather extreme statements of disaster.

Paul and Anne Ehrlich say in *Healing the Planet*: "Global warming is probably the greatest single environmental threat to the security of the United States and all other nations." Michael Oppenheimer and Robert Boyle write in *Dead Heat*: "Humanity is hurtling toward a precipice. Left unchecked, the emissions of various gases, particularly carbon dioxide...are likely to alter the Earth's climate so rapidly and so thoroughly as to destroy much of the natural world and turn the world that we call civilization upside down."

Likewise Sen. Albert Gore (D-Tenn.), in his newly released *Earth in the Balance*, describes global warming as "the most serious threat that we have ever faced." In his dust-jacket endorsement of Gore's book, Bill Moyers claims, "In this eloquent and unusual memoir of discovery Al Gore faces honestly the unremitting evidence of science."

But it is precisely science that is frequently overlooked in public environmental debates. And nowhere is this trend more pronounced than in the controversy over global warming.

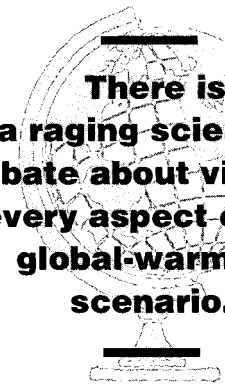
Take, for example, a 1990 survey of 100 Alabama professionals (doctors, attorneys, and college professors). Ninety-five said that Alabama had warmed over the last two to four decades and that the warming was associated with the greenhouse effect. The state has actually cooled significantly since 1935.

Little known to the general public, there is a raging scientific debate about virtually every aspect of the global-warming scenario. The three books under review attempt to bring that debate before the intelligent layman and to consider the scientific evidence. All three books are lucid and accessible. While complementary, these books differ in the questions they address and the answers they offer.

Robert C. Balling's *The Heated Debate* is the newest and hence the most up-to-date. Director of the Office of Climatology at Arizona State University, Balling shows how the climate seems to be evolving on the basis of the climate record. His book contains 53 charts and graphs and is filled with information; yet it is presented in an easy-to-read, straightforward way that judiciously offers both sides of every argument. When the data conflict, Balling acknowledges the uncertainty. But most of the data do paint a coherent picture of where we may be headed. Aaron Wildavsky's foreword is argumentative in a way that Balling's text never is.

Sherwood Idso's *Carbon Dioxide and Global Change* has been out for three years but has gotten little attention. This lack of response is unfortunate, because Idso's book deserves much better.

Of these three books, Idso's has the most-detailed discussion of global-warming theory. He describes simply and yet in detail the profound uncertainties regarding the historical climate record and the causal connection between carbon dioxide and temperature. His analysis of the shortcomings of climate models is also the most definitive. While occasional scientific jargon may impede a quick reading, Idso's book is so interesting and rich in detail that it is well worth the effort. In addition, about half of the book consists of footnotes to sources, so Idso's grasp of the literature cannot be questioned, and any interested person can find out more about the relevant issues.



Scientific Perspectives on the Greenhouse Problem, by Robert Jastrow, William Nierenberg, and Frederick Seitz, is the weakest of the three books. Jastrow and his colleagues actually wrote only the first part of the book, and that part is the best. They argue that the facts don't support the theory of global warming and speculate that solar activity may explain temperature variations. The second and third parts of the book consist of articles by other authors regarding the greenhouse debate and tend to be dry and uninteresting.

The greenhouse-effect theory is that carbon dioxide and other chemicals released into the air trap heat from the sun, raising the earth's temperature and causing a variety of severe ecological problems. Inland droughts, more-intense tropical storms, the melting of the polar ice caps, and the slow inundation of low-lying areas are the main problems scientists foresee if the emission of greenhouse gases continues.

These predictions are almost entirely the result of complex climate models that try to simulate the earth's weather systems. Both Idso and Balling describe in

detail the many reasons for being skeptical about the reliability of these models.

Above all, the models cannot assess accurately the effects of clouds. Balling shows that clouds may warm or cool the climate, and it is unknown which is more likely to happen in a world with increased greenhouse gases. Other factors that the models ignore or inadequately consider include the effects of oceans, sea ice, snow cover, sun activity, and pollutants that scientists acknowledge cool the atmosphere.

Because of changing ideas about these and other variables, model predictions have often been inconsistent and have tended to change over time. For example, the amount of sea-level rise predicted by the models has declined substantially. The 1980 estimate by two well-known greenhouse theorists that the greenhouse temperature increase would raise sea levels by 25 feet over the next 150 years has been abandoned. Both Balling and Jastrow and company state that, at most, a foot rise is now expected. Indeed, a report in the December 1991 edition of the scientific journal *Geology* (too recent to be mentioned in any of these books) stated that rising temperatures would most likely lower sea level by increasing the buildup of ice and snow.

Of the three books, Balling's is the best for testing the model predictions against the climate record. His research (cited in detail) tries to show the extent of consensus between the modelers and those scientists who focus on historical climatic data.

Despite the shortcomings in the models, their predictions fit some of the existing climate record. Cloud cover and precipitation have increased, as many modelers thought they would. But the area of prediction in which the models conflict most with the known climate record is the one most central to the greenhouse scare: temperature.

Balling admits that the record as we have it shows a global temperature increase over the last century, though one considerably less than the 0.5 degree Celsius commonly asserted. Since the models would have predicted a temperature increase of about one degree Celsius during that time based on the increases of greenhouse gases, they are off by a factor of more than two. Moreover, the models suggest that the greatest warming would be over the polar regions. But the Arctic has experienced significant cooling since 1940, contradicting the model predictions. Furthermore, the best temperature records are from the United States, and they show no warming and even a slight cooling from 1920 to 1987.

Although Balling seems willing to ascribe part of the asserted worldwide temperature increase to the greenhouse effect, Jastrow and his colleagues are not. They point out that most of that rise predated the principal increase in greenhouse emissions. When the emissions went up sizably starting about 1940, the temperature actually declined dramatically until about 1970. And the hyper-precise temperature measurements taken by satellites show no upward trend in the 1980s either. (In fact, as John Christy of NASA has noted, the satellite data reveal no statistically significant temperature trends from 1977 to 1991.)

Balling isn't as skeptical of global warming as Jastrow and his colleagues are. But he shows that the warming will primarily affect the minimum temperature level. In other words, winter nights at high latitudes won't be as cold as they might have been absent greenhouse gases. After his book was typeset, a major study published in December 1991 in *Geophysical Research Letters* confirmed the research that Balling cites. Thomas Karl and a team of scientists showed that across the Northern Hemisphere the main effect of warming has been to push up daily minimum temperatures rather than increasing daily high temperatures. This result also does not accord with the models, which do not differentiate between daytime and nighttime.

If the main consequence of the greenhouse effect is to raise minimum temperatures, the result could be beneficial. There would be less thermal stress on plants and animals, and plants would have longer growing seasons.

While Balling makes these points in a cursory way, Idso, who has conducted numerous studies in this area, elaborates upon the benefits that plants will reap from the increased concentration of atmospheric carbon dioxide. Plants will be considerably larger and more productive: Idso's research suggests that the harvestable yield from plants will increase by 30 percent if carbon dioxide doubles. Plants will use water and nutrients more efficiently and will be better able to handle environmental stress. They will be able to grow in desert areas where they cannot easily grow at present and grow more fully in other regions, thereby reducing topsoil erosion.

Despite the differences in their approaches, the authors of these three books have one thing in common: All have been criticized and ridiculed for adding an unpopular dimension to the global-warming debate. *Scientific American* and *Science* routinely publish articles about environmental dangers and give little or no attention to those who call them into question. Idso told me that the same articles he writes that are accepted for publication by more-sophisticated scientific journals are rejected by *Science* because of their point of view.

Last year, scientists at a Norwegian institute submitted a paper to *Nature* calling certain carbon-dioxide measurements into question. The paper was rejected because of its implications for the theory of global warming. The reviewer noted that "the Greenhouse Effect research carried out during the last 30 years cannot be wrong."

Thus, in a curious way, those who make alarming statements about the greenhouse effect are right, for there is indeed much at stake. But the question is not whether the earth is on the verge of environmental collapse brought on by global warming, which it is not. The question is whether politics will so invade science that scientific judgment will be lost and courses of action will be taken so hurriedly and unwisely that we will imperil the civilization the alarmists profess they wish to protect.

David A. Lips is a program officer at Liberty Fund Inc. in Indianapolis.

A Matter of Faith

BY CHARLES OLIVER

Culture Wars: The Struggle to Define America, by James Davison Hunter
New York: Basic Books, 416 pages, $25.00

James D. Hunter sees orthodox and progressive movements of different faiths uniting against each other.

America is in the middle of a religious war, a political struggle for this nation's soul. In *Culture Wars: The Struggle to Define America*, sociologist James Davison Hunter examines the forces driving this battle.

On issues such as abortion, free speech, and education, Americans are becoming increasingly polarized. But where many observers see isolated struggles, Hunter sees the country dividing into two sides in a culture war. Simply put, those who tend to support a woman's right to an abortion also tend to support multiculturalism in schools and broad free speech rights. Those who are anti-abortion are usually antipornography and often support school-choice plans.

These issues are part of the realm of what Hunter calls public culture. Public culture encompasses the entire range of procedural norms and legal codes that define the acceptable limits of personal behavior and collective action and specify the nature and extent of public responsibility.

Public culture also embodies the symbols of national identity, which express the meaning of citizenship and patriotism. "More important, public culture consists of the shared notions of civic virtue and the common ideals of the public good—what is best for the general happiness of the people and the welfare of the republic." Public culture encompasses those shared standards by which individuals and communities and events and actions are evaluated and judged as right or wrong.

Finally, a nation's public culture embraces the collective myths surrounding its history and future promise. These myths elaborate the moral significance of the nation's founding; they guide the selection of its heroes and villains; and they interpret the content of its founding documents. "By providing an interpretation of the past in this way, these myths also articulate the precedents and ideals for the nation's future."

Using polling data, Hunter demonstrates that a person's positions on cultural issues are rooted in more general religious views. Put simply, those who are religiously orthodox are also culturally conservative; those who are religiously progressive or humanist are usually culturally progressive as well.

Take the results of the 1987 Religion and Power Survey conducted by the Opinion Research Corporation. "The overwhelming majority of the orthodox in Protestant (78 percent), Catholic (73 percent), and Jewish (92 percent) leadership circles said, for example, that the United States was, in general, 'a force for good in the world.' " By contrast the majority of the progressivists said that the United States was either "neutral" or "a force for ill."

"*At the heart of the new cultural realignment are the pragmatic alliances being formed across faith traditions.* Because of common points of vision and concern, the orthodox wings of Protestantism, Catholicism, and Judaism are forming associations with each other, as are the progressive wings of each faith community—and each set of alliances takes form in opposition to the influence the other seeks to exert in public culture."

If the two sides in this clash often seem to be speaking different languages, that's because they are. The culture war, says Hunter, "emerges over fundamentally different conceptions of moral authority, over different ideas and beliefs about truth, the good, obligation to one another, the nature of community, and so on."

These disagreements were sharply defined in the debate over federal funding for the arts. Since very few people on either side wanted to abolish the National Endowment for the Arts, the battle was over what type of art should be funded. Thus, it quickly became a debate over the nature and purpose of art.

For progressivists, art is an end in itself, and the artist is, in Vladimir Nabokov's words, "responsible to no one but himself." Art is an individual's attempt to interpret the world and his place in it. And those who have a unique vision deserve funding.

For the orthodox, art should reflect the sublime. For neoconservative critic Hilton Kramer art must reflect "the highest achievements of our civilization"; for columnist George Will, art should "elevate the public mind by bringing it into contact with beauty...." Art that serves this high public purpose is worthy of government support.

Most Americans probably don't give a damn about the definition of art. Indeed, on any given cultural issue most Americans probably are neither very orthodox nor very progressive. For example, polls generally show that Americans generally favor some restrictions on abortion, but most would not ban it completely.

But Hunter sees forces that polarize cultural politics compelling those in the middle to choose sides or abandon the issue. Television—the main forum for political debate now—prefers 9.8-second sound bites to long speeches and fiery arguments to engaged debates. And special-interest groups on both sides of the culture war raise more money and gain more influence by demonizing their opponents and creating an atmosphere of

crisis than by trying to forge a consensus. The results: "a drift toward bigotry" and "the eclipse of the middle."

But by focusing on social issues, Hunter draws an oversimplified portrait of the American political landscape. Polls show, for example, that the so-called Reagan youth were more liberal on social issues than Ronald Reagan himself. And many of the Catholics and Jews active in the anti-abortion movement were also part of the nuclear freeze campaign in the early and mid-1980s. To truly understand today's cultural conflict we need to know how voters, individually and collectively, rank different issues when deciding to vote for particular candidates or donate to different causes.

The Reagan youth apparently ranked economic issues above cultural ones, deciding to vote for Republicans because they seemed better able to handle the economy. But as it appears more likely that *Roe v. Wade* will be overturned and as attempts at censorship grow stronger, will their valuations change, causing them to switch their political allegiance? Or will George Bush's mishandling of the economy drive cultural conservatives to vote for a liberal who seems more able to end the recession?

Further, is it really accurate to blame the heat of today's cultural battles primarily on special-interest groups and televised news?As Hunter acknowledges, this battle is not primarily an intellectual one but a political one. That is, it isn't really about trying to convince others that one's view of life is correct and should be followed. Rather, it is an effort to use the machinery of the state to force others to live life the way one thinks it should be lived. Either homosexuality will be prohibited, or those who think it is immoral will be forced to hire, rent to, and associate with people they think are sinners. Either sexually explicit art will be banned, or it will be funded through the NEA.

The efforts of individuals to work out privately their own compromises with one another are forbidden by both sides of this war. Neither side will allow anyone to remain neutral in the culture war. That is why the middle is disappearing. And that is why the culture war is so heated and why compromise is impossible.

Take the case of Chuck McIlhenny, a San Francisco minister who is one of California's best-known opponents of gay rights. McIlhenny wasn't always politically active, Hunter tells us. About 11 years ago, soon after the young McIlhenny took over his church, he hired a new organist. Three months later, he learned the man was gay. Church teaching forbids anyone deliberately and openly living in sin to be part of the church's communion, and the organist had no intention of changing his lifestyle. McIlhenny had to let the man go.

Charging discrimination, the organist sued the church. Two years and tens of thousands of dollars later, the church won the suit. But in the meantime, McIlhenny, his family, and his parishioners received numerous death threats. His church and home were firebombed. And an antihomosexual activist was born.

As someone who probably would be classified as a progressivist, I was saddened by *Culture Wars* because it documents the decline of progressivist political thinking. During the 18th and 19th centuries, religious progressivism and humanism were usually linked to political liberalism. Deists, agnostics, and atheists such as Thomas Jefferson, Thomas Paine, and Voltaire may have regarded religion—or at least orthodox religion—as mere superstition, but they didn't want to use the power of the state to crush orthodoxy. Rather, they wanted to remove the power of the state to support orthodoxy, to take matters of conscience and culture into the private realm. This is the essence of liberal tolerance.

But today's progressivists have a different idea of tolerance. Abandoning liberalism for statism, they want to force people to live according to progressive ideals. It isn't merely enough that gays, blacks, women, etc. be freed from the laws that discriminate against them. Private expressions of "homophobia," "sexism," and "racism" must be extinguished. Hunter says that progressivists are becoming increasingly intolerant of orthodox views. To turn Herbert Marcuse's famous critique of bourgeois liberalism on its head, today's progressivists practice repressive tolerance.

Indeed, since progressivists have abandoned any meaningful distinction between the public and private realm, they have come to regard any challenge to their own orthodoxy as censorship. Hunter notes that boycotts called by religious groups to protests films and television shows they regard as anti-Christian or too sexually explicit are invariably met by charges of censorship by progressivist groups such as the People for the American Way.

In fairness to progressivists, there is little doubt that the people who usually organize these boycotts—Donald Wildmon, Pat Robertson, and Jerry Falwell—would censor "anti-Christian" programs if they had the power. But progressivists seem unable to make that distinction. Indeed, *Playboy* and *Penthouse* once filed federal racketeering suits against the Florida branch of the American Family Association for threatening to boycott book stores that sold the magazines. The good progressivists at *Playboy* and *Penthouse* failed to see the irony in their attempts to protect free speech.

Indeed, progressivists sometimes come full circle, advocating the very ideas espoused by their most hated enemies. Feminists and fundamentalist Christians may be speaking different moral languages, but they have communicated well enough to mount an impressive campaign to censor sexually explicit books and movies.

Hunter ends his book with a few suggestions that he believes can cool down the culture war. They mostly amount to a call for both sides to be more moderate and more tolerant. But if the culture war is truly to end, progressivists must once again become political liberals. Instead of fighting for federal funding of avant garde artists, for example, progressivists should fight to end government subsidies to art. By removing these questions from the realm of politics, progressivists will be forced to actually reason with and talk to their orthodox opponents. If that happened, both sides might find they had something to learn from one another.

Charles Oliver is assistant editor of REASON.

COMRADE, CAN YOU SPARE A KOPEK?

BY THOMAS W. HAZLETT

First, an apology to Karl Marx. I always pooh-poohed his basic thesis that anarchy would eventually replace socialism. I can see now that he was right. The state did just wither away, Dr. Marx. I stand corrected.

It appears that the primary impediment to civilized conditions in the formerly communist lands was, in fact, communism, and so the return to more or less normal human hysteria is in full swing. I marvel at the West, ever so relieved to have those warheads pointed in some other direction, but ever so goofy about the process of decommunization. It is a bitter transition, we are continually told, and the harsh realities of the marketplace will make many an ex-USSRian nostalgic for the Party before it's all over.

So-called TV journalists are particularly fond of going on location in some backwater Georgian hut-dom, interviewing a weather-beaten old *apparatchik* coot who yearns for the return of Papa Joe. Soon the reporter is frothing over ominous political stirrings, and a counter-revolution is virtually under way.

The Commonwealth of Independent States does indeed harbor retrograde influences. Soon after Boris Yeltsin's vaunted January 1 price reforms, a few thousand party hacks posed as demonstrators to denounce the social chaos. Many of them shouted at the alleged "Jews!" who were behind the capitalist plot. But, c'mon. Let me take a minicam crew to *our* Georgia wilderness, and my video footage will go one-on-one with tape of perverse reactionaries anywhere on the planet.

The conventional wisdom here is that letting controlled prices go to market levels is excruciatingly painful to the body politic. One wonders: As opposed to what? Another 75 years of "bad harvests"? Queues so pervasive that every weekday morning looks aerially like "Hands Across Russia"? A technological edge that makes Portugal's consumer electronics sector appear futuristic? The great advantage blessing Russian reformers is their baseline: When you start at a point trivially different from zero, it's really hard to screw up too badly.

Virtually the entire free world misunderstands Yeltsin's dilemma. Half of us believe that releasing price controls destroys wealth, while the other half believe that it will restore free-market economies. One hundred percent are wrong. Letting prices rise to market levels simply shifts goods around to those who are willing to pay the most; as nothing is lost from the system, no general impoverishment will follow.

But neither will prosperity. As necessary as free prices are to an efficient social structure, the active ingredient in economic growth kicks in only when sellers get to pocket those higher prices. Let legal ownership rights flourish, and Presto! goods magically appear. Social scientists are ever amazed that when you pay those stupid little peasants more, even those who have never set one foot inside a University of Chicago classroom seem to figure out that supplies should rise. Even better: They volunteer to do it.

High prices are always painful for customers, but they are good medicine when clever Zionist profiteers are on the other end, responding avariciously to tight supplies with ruthless efficiency. While the word is that the East Bloc masses will not sit through their therapy, I am stunned by the assumption: My source material informs me that there wasn't a great deal of instant gratification going on in the USSR between 1922 and 1991. These are people who have been fed bitter medicine for the best part of a century. Who better to swallow the pill than the recently sprung inmates of Bolshevism?

Ah, the argument goes, now everything is different. Today we have identified some individuals in Russia who a) have publicly criticized their government and b) are expected to live an actuarially normal lifespan. Democracy is a fertile field for free speech—and for the sort of demagogue who would exploit price inflation for his own political gain.

Well, I hate to be any less cynical than other manic-depressive individuals, but some nations have actually escaped that trap. The Germans in 1948 did considerably better out of hyper-inflation than they had the first time; the difference was a bold stroke of free-market economics, including a stable monetary policy. Ludwig Erhard and Konrad Adenaeur invented the "social market economy" to avoid looking piggishly right-wing with their tough anti-inflation, deregulation, and free-trade policies. The result was the "German miracle." And today the Polish reforms of two years' standing have stabilized prices; given free prices combined with ambitious and ongoing privatization schemes, the market is beginning to twitch. The example is not Poles apart from Russia; the average Polish wage is but $150 a month.

Without an iota of help from the West, the Russian people figured out that the slick Mikhail Gorbachev had become a dangerous obstructor of justice, and that their future lay with the boorish Boris Yeltsin. They are now rejecting a ubiquitous Western pessimism to press forth with radical measures to quickly spring their economies free. They are making mistakes; wouldn't we in so daunting a task?

But trepidation from afar, which often translates into expert advice to take "the middle path" of gradual reform (keying on the notable successes of Khrushchev, Gorbachev, and, most sensationally, the Yugoslavian Communism with a Happy Face), is overpriced even when proferred gratis. This is one place we ought to maintain rigorous price controls—and welcome a shortage.

Contributing Editor Thomas W. Hazlett teaches economics and public policy at the University of California, Davis.

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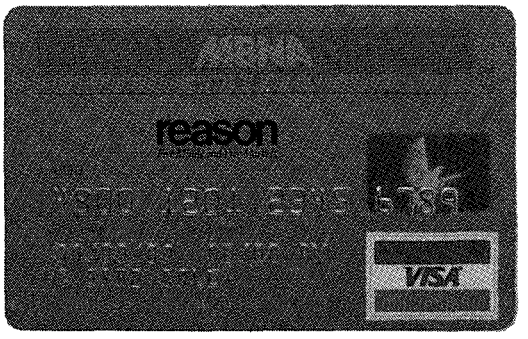

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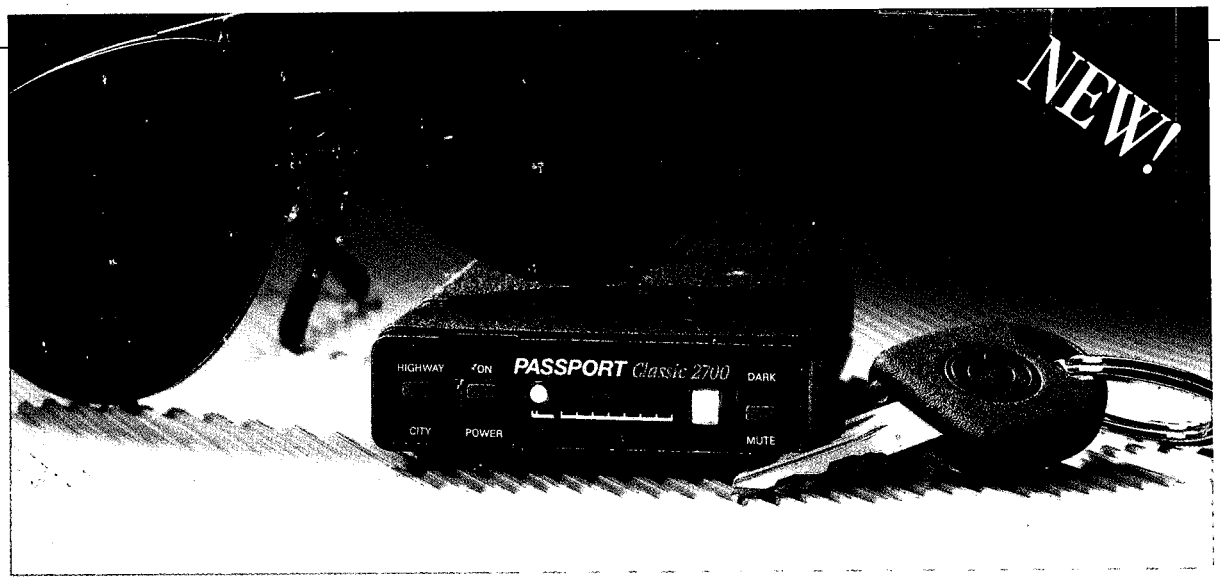

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